

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 12      NUMBER 195

Washington, Saturday, October 4, 1947

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9896

DISPLAY OF THE FLAG OF THE UNITED STATES AT HALF-MAST TO HONOR THE RETURN OF WORLD WAR II DEAD FROM OVERSEAS

By virtue of the authority vested in me as President of the United States, I hereby direct that on Friday, October 10, 1947, and on Sunday, October 26, 1947, the flag of the United States be displayed at half-mast within the continental limits of the United States at all installations of the National Military Establishment, on public vessels in port, and on public buildings, as a token of the Nation's participation in the memorial services to be held in San Francisco, California, and in New York, New York, on the above-designated dates, respectively, for the gallant and heroic American soldiers, sailors, marines, and others who gave their lives to their country in World War II.

HARRY S. TRUMAN

THE WHITE HOUSE,  
October 2, 1947.

[F. R. Doc. 47-9045; Filed, Oct. 3, 1947;  
10:28 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED; COMMISSION ON ORGANIZATION OF EXECUTIVE BRANCH OF THE GOVERNMENT

The Commission, at the request of the Commission on Organization of the Executive Branch of the Government, has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) is therefore amended by the addition of a subparagraph as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A.* \* \* \*

(43) *Commission on Organization of the Executive Branch of the Government.* Not to exceed 25 positions.

(Sec. 6.1 (a), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 47-9005; Filed, Oct. 3, 1947;  
8:59 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 88]

#### PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

##### LIMITATION OF SHIPMENTS

§ 933.352 *Grapefruit Regulation 88—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Mar-

(Continued on next page)

## CONTENTS

### THE PRESIDENT

Executive Order	Page
Flag of the United States, display at half-mast to honor return of World War II dead from overseas.....	6565

### EXECUTIVE AGENCIES

<b>Agriculture Department</b>	
Proposed rule making:	
Milk handling in Nashville, Tenn., marketing area.....	6577
Rules and regulations:	
Limitation of shipments:	
California and Arizona:	
Lemons.....	6573
Oranges.....	6573
Florida oranges, grapefruit and tangerines (2 documents).....	6565, 6567
Milk handling in Louisville, Ky., marketing area.....	6567
<b>Alien Property, Office of</b>	
Notices:	
Vesting orders, etc.:	
Bluhm, Frank.....	6592
Langmaack, Mathilde Stind, and Elise Stind Mathiesen.....	6592
Simenon, Georges Joseph Christian.....	6592
<b>Civil Aeronautics Board</b>	
Proposed rule making:	
Airport fire fighting equipment and runway wind socks.....	6577
<b>Civil Service Commission</b>	
Rules and regulations:	
Competitive service, exceptions from; Commission on Organization of Executive Branch of the Government.....	6565
<b>Customs Bureau</b>	
Notices:	
Standard Oil Co. of New Jersey and Standard Oil Co., registration of house flag and funnel mark.....	6588
<b>Federal Communications Commission</b>	
Notices:	
Annual report to be filed by licensees of broadcast stations; shortened report for small stations.....	6589



# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## 1946 SUPPLEMENT to the CODE OF FEDERAL REGULATIONS

The following books are now available:

**Book 1:** Titles 1 through 8, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

**Book 2:** Titles 9 through 20.

**Book 3:** Titles 21 through 31.

**Book 4:** Titles 32 through 37.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

## CONTENTS—Continued

<b>Federal Communications Commission—Continued</b>	Page
Notices—Continued	
Hearings, etc.:	
Clear channel broadcasting in standard broadcast band	6588
Community Broadcasting Co. Port Huron Broadcasting Co. (WHLS)	6588
Independent Broadcasting Co., Inc. (WIBK)	6589

## RULES AND REGULATIONS

### CONTENTS—Continued

<b>Federal Communications Commission—Continued</b>	Page
Notices—Continued	
Hearings, etc.—Continued	
Mackay Radio and Telegraph Co., Inc., et al.	6588
Patriot Co. et al.	6588
Motions Commissioner, designation for October, 1947	6588
Television channels, sharing, and assignment of frequencies to television and non-Government fixed and mobile services	6589
Rules and regulations:	
Experimental and auxiliary broadcast services; frequency tolerances permitted remote pickup broadcast stations	6575
Organization, practice and procedure:	
Annual report to be filed by licensees of broadcast stations	6575
Litigation and Administrative Division	6575
Radio broadcast services; exemption from existing rules	6575
<b>Federal Power Commission</b>	
Notices:	
Hearings, etc.:	
California Oregon Power Co. Panhandle Eastern Pipe Line Co.	6590
Panhandle Eastern Pipe Line Co. et al.	6589
Louisiana-Nevada Transit Co.	6590
Northern Indiana Public Service Co.	6589
Northern Natural Gas Co.	6589
<b>Interstate Commerce Commission</b>	
Rules and regulations:	
Steam roads; uniform system of accounts; miscellaneous amendments	6576
<b>Maritime Commission</b>	
Proposed rule making:	
Freight and passenger rates, fees and charges; publication, posting and filing	6578
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc.:	
Electric Bond and Share Co. et al.	6590
Malden Electric Co. et al.	6591
North American Co.	6591
Pittsburgh Railways Co.	6590
Sears, Roebuck and Co.	6590

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

<b>Title 3—The President</b>	Page
Chapter II—Executive orders:	
9830 <sup>1</sup>	6565
9896	6565

<sup>1</sup> See Title 5, Part 6.

## CODIFICATION GUIDE—Con.

<b>Title 5—Administrative Personnel</b>	Page
Chapter I—Civil Service Commission:	
Part 6—Exceptions from the competitive service	6565
<b>Title 7—Agriculture</b>	
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):	
Part 933—Oranges, grapefruit, and tangerines grown in Florida (2 documents)	6565, 6567
Part 946—Milk in Louisville, Ky., marketing area	6567
Part 953—Lemons grown in California and Arizona	6573
Part 966—Oranges grown in California and Arizona	6573
Part 978—Milk in Nashville, Tenn., marketing area (proposed)	6577
<b>Title 14—Civil Aviation</b>	
Chapter I—Civil Aeronautics Board:	
Part 40—Air carrier operating certification (proposed)	6577
<b>Title 46—Shipping</b>	
Chapter II—United States Maritime Commission:	
Part 231—Publication, posting and filing of freight and passenger rates, fares and charges (proposed)	6578
<b>Title 47—Telecommunication</b>	
Chapter I—Federal Communications Commission:	
Part 1—Organization, practice and procedure (2 documents)	6575
Part 3—Radio broadcast services	6575
Part 4—Experimental and auxiliary broadcast services	6575
<b>Title 49—Transportation and Railroads</b>	
Chapter I—Interstate Commerce Commission:	
Part 10—Steam roads: uniform system of accounts	6576

keting Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 6, 1947, and ending at 12:01 a. m., e. s. t., October 13, 1947, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (12 F. R. 6277));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the



Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, acts of 1941 (Florida Laws Annotated § 595.09) ;

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used in this section, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of October 1947.

[SEAL]

C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-9018; Filed, Oct. 3, 1947; 9:33 a. m.]

[Orange Reg. 125]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.353 *Orange Regulation 125—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 6, 1947, and ending at 12:01 a. m., e. s. t., October 13, 1947, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits, as amended (12 F. R. 6277); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid amended United States standards) in a standard box (as such box is defined in the standards for containers for citrus fruits established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated § 595.09)).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of October 1947.

[SEAL]

C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-9019; Filed, Oct. 3, 1947; 9:33 a. m.]

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER, AMENDING ORDER, REGULATING HANDLING

§ 946.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders, as amended, (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held on April 21-24, 1947, upon proposed amendments to the order, as amended, and the marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area. The decision with respect to the order as amended was filed by the Secretary on September 26, 1947. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area

a purchasing power equivalent to the purchasing power of said milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947-48. Any delay in the effective date of this order will seriously threaten the supply of milk for the Louisville, Kentucky, marketing area, and, therefore, it is impractical, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (See sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Louisville, Kentucky, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act.

(2) The issuance of this order, further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as



amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July, 1947), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is hereby ordered, that such handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

Sec.	
946.1	Definitions.
946.2	Market administrator.
946.3	Classification of milk.
946.4	Minimum prices.
946.5	Reports of handlers.
946.6	Application of provisions.
946.7	Determination of uniform prices to producers.
946.8	Payment for milk.
946.9	Marketing services.
946.10	Expense of administration.
946.11	Effective time, suspension and termination.
946.12	Agents.

AUTHORITY: §§ 946.1 to 946.12, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq. Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 946.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Louisville, Kentucky, marketing area," hereinafter called the "marketing area," means the territory within Jefferson County, Kentucky, including but not being limited to the City of Louisville and Fort Knox Military Reservation; and the territory within Floyd County, Indiana, including but not being limited to all municipal corporations in said county; and the territory within the townships of Jeffersonville, Ufca, Silver Creek, Union, and Charlestown, in Clark County, Indiana.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces, under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, milk which is:

(1) Received at a plant from which milk or cream is disposed of in the marketing area for human consumption as fluid milk or fluid cream;

(2) Received at a plant approved by the appropriate health authority in the marketing area to furnish milk or cream to a plant described under subparagraph (1) of this paragraph; or

(3) Diverted from any plant described under either subparagraph (1) or subparagraph (2) of this paragraph to any other milk distributing or milk manu-

facturing plant, including any plant described under subparagraphs (1) or (2) of this paragraph: *Provided*, That any such milk so diverted shall be deemed to have been received at the plant from which it was diverted.

(f) "Handler" means:

(1) Any person who receives milk, produced under a dairy farm inspection permit issued by the appropriate health authority in the marketing area, at a plant described in paragraphs (e) (1) or (e) (2) of this section; and

(2) Any association of producers with respect to milk diverted from a plant described under paragraphs (e) (1) or (e) (2) of this section to any milk distributing or milk manufacturing plant not operated by a handler, for the account of such association.

(g) "Market administrator" means the person designated pursuant to § 946.2 as the agency for the administration hereof.

(h) "Delivery period" means any calendar month.

(i) "Emergency milk" means milk, skim milk, or cream received by a handler from sources other than producers under a permit for the receipt thereof issued to him by the proper health authorities.

(j) "Other source milk" means all skim milk and butterfat in any form received from a source other than producers or other handlers, except emergency milk and any nonfluid milk product which is received and disposed of in the same form.

(k) "Department of Agriculture" means the United States Department of Agriculture, or any other Federal agency authorized to perform the price reporting functions, as referred to in this order, of the United States Department of Agriculture.

§ 946.2 *Market administrator—(a) Selection, removal, and salary.* The agency for the administration hereof shall be a market administrator who shall be a person selected, and subject to removal, by the Secretary. Such person shall be entitled to such compensation as may be determined by the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violation of the terms and provisions hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination and furnish such information and such verified reports as may be requested by the Secretary;

(3) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful per-

formance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 946.5 or (ii) made payments pursuant to § 946.8;

(5) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(6) Pay, out of the funds provided by § 946.10, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties, except those expenses incurred under § 946.9;

(7) Promptly verify the information contained in the reports submitted by handlers; and

(8) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation hereof.

§ 946.3 *Classification of milk—(a)*

*Basis of classification.* All skim milk and butterfat received by a handler in (1) milk from producers, (2) milk, skim milk, and cream from other handlers, (3) emergency milk, and (4) other source milk; at a plant, described under subparagraphs (1) or (2) of § 946.1 (e), and skim milk and butterfat contained in milk handled pursuant to paragraphs (e) (3) and (f) (2) of § 946.1, shall be classified in the classes set forth in paragraph (b) of this section. In establishing the classification of skim milk and butterfat as required in paragraph (b) of this section, the burden rests upon the handler who is the first receiver to account for all skim milk and butterfat contained in milk, skim milk, and cream received and to prove that such skim milk and butterfat has been utilized in a class other than that in which the market administrator determines that such skim milk and butterfat should be classified.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), and (f) of this section the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of in fluid form as milk, buttermilk, and milk drinks, whether plain or flavored, and (ii) not specifically accounted for as Class II milk and Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as fluid cream (including sour cream), and any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in Class I milk and Class II milk, (ii) as actual plant shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts of skim milk and



butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat in emergency milk and other source milk: *Provided*, That if milk is diverted by a handler to a plant of another handler without first having been received for purposes of weighing and testing in the diverting handler's plant, the respective quantities of skim milk and butterfat contained in such milk shall be included in the receipts of skim milk and butterfat, respectively, of the second handler in computing his plant shrinkage and shall be excluded from the receipts of skim milk and butterfat, respectively, of the diverting handler in the latter's plant shrinkage computation: *And provided further*, That (a) if milk from producers is utilized as milk, skim milk, or cream in conjunction with emergency milk or other source milk, the shrinkage of skim milk or butterfat, respectively, allocated to the milk from producers shall not exceed its pro rata share computed on the basis of the proportions of such volumes of skim milk and butterfat, respectively, received from the various sources to their total, and (b) if milk from producers is transferred as milk, skim milk, or cream under supporting transfer records satisfactory to the market administrator, to a plant of a handler from which no milk of producers is disposed of as fluid milk in the marketing area, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producer's milk handled in the handler's fluid milk plant.

(c) *Interhandler and nonhandler transfers.* (1) All skim milk and butterfat contained in milk and skim milk disposed of, either by transfer or diversion, by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be Class I milk, and all skim milk and butterfat contained in cream so disposed of shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided*, That in no event shall the amount so indicated in writing for any class exceed the total use of skim milk or butterfat, respectively, in such class by the receiver, subject to verification by the market administrator: *And provided further*, That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section.

(2) All skim milk and butterfat contained in milk and skim milk disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of milk for both fluid and other uses shall be Class I milk: *Provided*, That skim milk and butterfat contained in milk and skim milk disposed of in bulk from a handler's plant to any such establishment

which, under the applicable health regulations, is permitted to receive milk and skim milk other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(3) All skim milk and butterfat contained in cream disposed of from a handler's plant to soda fountains, bakeries, restaurants, and other retail food establishments which dispose of cream for both fluid and other uses shall be Class II milk: *Provided*, That skim milk and butterfat contained in cream disposed of in bulk from a handler's plant to any such establishment which, under the applicable health regulations, is permitted to receive cream other than of Grade A quality for nonfluid purposes shall be classified as Class III milk if used or disposed of by such establishment in other than fluid form, provided such use or disposition is made subject to verification by the market administrator.

(4) All skim milk and butterfat contained in milk, skim milk, and cream transferred or diverted by a handler from a plant, described under subparagraphs (1) or (2) of § 946.1 (e), of such a handler, to any other plant of such handler, shall be Class III milk: *Provided*, That if skim milk and butterfat are so transferred or diverted to such a plant from which milk, skim milk, or cream is disposed of as any product specified in paragraphs (b) (1) (i) or (b) (2) of this section, such skim milk and butterfat, respectively, so transferred or diverted shall be classified on the basis of the pro rata share of the disposition from the latter plant of skim milk and butterfat, respectively, available for transfer, less shrinkage computed pursuant to paragraph (b) (3) (iii) of this section, and skim milk and butterfat, respectively, contained in other receipts of milk, skim milk, and cream at the latter plant.

(d) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute from the corrected reports:

(1) The total pounds of skim milk received by adding together (i) the pounds of milk received from producers, (ii) the pounds of milk, skim milk, and cream received from other handlers, (iii) the pounds of emergency milk received, and (iv) the pounds of other source milk received; and subtracting therefrom the total pounds of butterfat determined pursuant to subparagraph (2) of this paragraph.

(2) The total pounds of butterfat received by adding into one sum the pounds of butterfat contained in receipts from sources specified in subparagraph (1) of this paragraph.

(3) The total pounds of skim milk in Class I milk by (i) converting to quarts the quantity of milk, skim milk, and cream disposed of in the form of milk, buttermilk, and milk drinks, whether plain or flavored, and multiply by 2.15; (ii) subtracting the pounds of butterfat

in Class I milk determined pursuant to subparagraph (4) (i) of this paragraph; and (iii) adding together the result obtained in subdivision (ii) of this subparagraph and the excess shrinkage of skim milk determined pursuant to subparagraph (7) (iii) (b) or subparagraph (8) (ii) of this paragraph.

(4) The total pounds of butterfat in Class I milk by (i) adding together the pounds of butterfat in each of the several products of Class I milk; and (ii) adding together the result obtained in subdivision (i) of this subparagraph and the excess shrinkage of butterfat determined pursuant to subparagraph (9) (ii) (b) of this paragraph.

(5) The total pounds of skim milk in Class II milk by (i) adding together the pounds of milk, skim milk, and cream disposed of in each of the several products of Class II milk; and (ii) subtracting the pounds of butterfat in Class II milk determined pursuant to subparagraph (6) of this paragraph.

(6) The total pounds of butterfat in Class II milk by adding together the pounds of butterfat disposed of in each of the several products of Class II milk.

(7) The total pounds of skim milk in Class III milk by (i) adding together the pounds of milk, skim milk, and cream which were used to produce each of the several products of Class III milk; (ii) subtracting the pounds of butterfat in Class III milk computed pursuant to subparagraph (9) (i) of this paragraph; (iii) subtracting from the total pounds of skim milk received computed pursuant to subparagraph (1) of this paragraph the total pounds of skim milk computed for each class pursuant to subparagraphs (3) (ii) and (5) (ii) of this paragraph and subdivision (ii) of this subparagraph, which resulting amount shall be classified as follows: (a) That portion in excess of 2 percent of total receipts of skim milk from producers, plus actual plant shrinkage of skim milk received from sources other than producers and handlers shall be considered as plant shrinkage and classified as Class III milk, and (b) that portion in excess of 2 percent of total receipts of skim milk from producers shall be classified as Class I milk: *Provided*, That if such excess shrinkage of skim milk is greater than the quantity determined pursuant to subparagraph (8) (ii) of this paragraph such quantity shall apply in lieu hereof, and the remainder of such excess shrinkage shall be classified as Class III milk; and (iv) adding together the pounds of skim milk obtained in subdivision (ii) of this subparagraph, and the pounds of skim milk allocated to Class III milk pursuant to subdivision (iii) of this paragraph.

(8) In the event that the total pounds of skim milk obtained in subdivision (ii) of this subparagraph is less than the amount of skim milk shrinkage determined pursuant to subparagraph (7) (iii) (b) of this paragraph such quantity of skim milk shall be used in lieu thereof: (i) divide the pounds of butterfat shrinkage in producer milk, computed pursuant to subparagraph (9) (ii) (b) of this paragraph, by the average test of milk, skim milk, and cream available for use in Class III milk, less Class



III purchases of milk, skim milk, and cream from other handlers, and (ii) subtract such quantity of butterfat shrinkage from the result obtained in subdivision (i) of this subparagraph.

(9) The total pounds of butterfat in Class III milk by (i) adding together the pounds of butterfat used to produce each of the several products of Class III milk; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (2) of this paragraph, the pounds of butterfat in Class I milk and Class II milk computed pursuant to subparagraphs (4) (i) and (6) of this paragraph, and the pounds of butterfat computed pursuant to subdivision (i) of this subparagraph, which resulting amount of butterfat shall be classified as follows: (a) That portion not in excess of 2 percent of total receipts of butterfat from producers, plus actual plant shrinkage of butterfat in emergency milk and other source milk shall be considered as plant shrinkage and classified as Class III milk, and (b) that portion in excess of 2 percent of total receipts of butterfat from producers shall be classified as Class I milk; and (iii) adding together the results obtained in subdivisions (i) and (ii) (a) of this subparagraph.

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds of skim milk in such class allocated to milk received from producers:

(i) Subtract from the total pounds of skim milk computed for each class, in series beginning with the lowest-priced available class milk, the total pounds of skim milk contained in receipts of other source milk;

(ii) Subtract from the pounds of skim milk remaining in Class III milk an amount of skim milk so utilized, pursuant to paragraph (b) (3) (i) of this section, but not to exceed 5 percent of the total receipts of skim milk from producers plus the shrinkage of skim milk on milk received from producers, computed pursuant to paragraph (d) (7) (iii) (a) of this section;

(iii) Subtract from the pounds of skim milk remaining in Class III milk the pounds of skim milk contained in emergency milk received: *Provided*, That if the pounds of skim milk in emergency milk is greater than the pounds of skim milk remaining in Class III milk, the balance of such skim milk shall be subtracted pro rata from the pounds of skim milk in Class I milk and Class II milk;

(iv) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subdivision (ii) of this subparagraph;

(v) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk contained in milk, skim milk, and cream received from other handlers and assigned to such class: *Provided*, That if the pounds of skim milk to be subtracted from Class II milk or Class III milk is greater than the pounds of skim milk remaining in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class; and

(vi) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in each class in series beginning with the lowest-priced available class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk (except that the reference paragraph (d) (9) (ii) (a) shall be substituted for the designated reference paragraph (d) (7) (iii) (a) set forth in subparagraph (1) (ii) of this paragraph).

(f) *Determination of producer milk in each class.* Add the pounds of skim milk and pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to subparagraphs (1) and (2) of paragraph (e) of this section, and determine the percentage of butterfat in each class.

§ 946.4 *Minimum prices*—(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk, set forth in subparagraphs (1) and (2) of paragraph (b) of this section shall be the price for Class III milk plus 15 cents, or that resulting from the following formula, whichever is the higher:

To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

#### *Companies and Location*

Borden Co.:  
Black Creek, Wis.  
Greenville, Wis.  
Mt. Pleasant, Mich.  
New London, Wis.  
Orfordville, Wis.  
Carnation Co.:  
Berlin, Wis.  
Jefferson, Wis.  
Chilton, Wis.  
Oconomowoc, Wis.  
Richland Center, Wis.  
Sparta, Mich.  
Pet Milk Co.:  
Belleville, Wis.  
Coopersville, Mich.  
Hudson, Mich.  
New Glarus, Wis.  
Wayland, Mich.  
White House Milk Co.:  
Manitowoc, Wis.  
West Bend, Wis.

add an amount computed as follows: Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by .12 and then by 3.

(b) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section and § 946.7 (a), each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the prices per hundredweight com-

puted as follows for the respective quantities of Class I milk, Class II milk, and Class III milk, computed pursuant to § 946.3 (f):

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus \$1.05: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class I milk shall not be less than \$5.00, and that for the delivery periods of January and February, 1948, the price for Class I milk shall not be less than the December, 1947, price less 44 cents.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus \$0.50: *Provided*, That for the delivery periods from the effective date hereof to and including December, 1947, the price for Class II milk shall not be less than \$4.45, and that for the delivery periods of January and February, 1948, the price for Class II milk shall not be less than the December, 1947, price less 44 cents.

(3) *Class III milk.* The price for Class III milk shall be the higher of the prices computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) The price per hundredweight computed as follows: From the average of the basic (or field) prices reported by, and ascertained by the market administrator to have been paid by, the following concerns at the manufacturing plants or places listed below for ungraded milk of 4 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received during the delivery period:

#### *Concern and Location*

Kraft Foods Co., Lawrenceburg, Ky.  
Armour Creameries, Elizabethtown, Ky.  
Armour Creameries, Springfield, Ky.  
Kraft Foods Co., Salem, Ind.  
Ewing-Von Allmen Co., Corydon, Ind.  
Ewing-Von Allmen Co., Madison, Ind.  
Producers' Dairy Marketing Association, Orleans, Ind.

subtract an amount computed as follows: multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by .12 and then by 2.

(ii) The price per hundredweight computed as follows:

(a) Multiply by 3.8 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(b) Add 20 percent thereof; and

(c) Add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids by roller process for human consumption is above 5½ cents per pound. For the purpose of this formula the price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices by roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such milk solids for the



previous delivery period. In the event the carlot prices for such milk solids, f. o. b. manufacturing plants, are not so published, the average of the carlot prices for such milk solids, delivered at Chicago, as published by the Department of Agriculture, shall be used, and the following shall be used in lieu of the computation provided for herein: Add  $3\frac{1}{2}$  cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids delivered at Chicago is above  $6\frac{1}{2}$  cents per pound.

(c) *Price of Class I milk for relief distribution.* For Class I milk delivered by a handler to the residence of a relief client certified by a recognized relief agency, charged to such an agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class III milk plus 12 cents, adjusted by the butterfat differential specified in paragraph (d) (1) of this section.

(d) *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 946.3 (f), is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(2) *Class II milk.* Multiply by 0.125 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period; and

(3) *Class III milk.* Multiply by 0.12 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period.

§ 946.5 *Reports of handlers—(a) Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period, all skim milk and butterfat contained in receipts of milk from producers (including milk produced by him), receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk; and the utilization of all receipts of skim milk and butterfat for the delivery period.

(2) On or before the day emergency milk is received, his intention to receive such milk.

(3) On or before the 5th day after the end of each delivery period, the receipts during the delivery period of emergency milk, the quantity of skim milk and butterfat contained in such milk, the date or

dates upon which such milk was received, the plant from which such milk was shipped, the price per hundredweight paid, or to be paid, for such milk, the utilization of skim milk and butterfat contained in such milk, and such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted as described in § 946.1 (e) (3) need not be reported pursuant to this paragraph.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer payroll for such delivery period which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved, and the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports and payments.* (1) The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler upon whose disposition of skim milk and butterfat contained in milk, skim milk, or other milk products such handler claims classification. Each handler shall keep adequate records of his receipts and utilization of all skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records, reports, and facilities as will enable the market administrator to (i) verify the receipts and disposition of all skim milk and butterfat required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures; (ii) weigh, sample, and test for butterfat content the milk received from producers and any milk product upon which classification depends; and (iii) verify the payments to producers prescribed in § 946.8.

(2) If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine the records of milk and milk products handled in a plant of a handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any skim milk or butterfat contained in milk received from producers during such delivery period was used in a class other than that in which it was first disposed of, such skim milk and butterfat shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such skim milk and butterfat shall be made in the billing computed for such handler for the delivery period following such reclassification.

(e) *Reports from the market administrator to cooperative associations.* On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 946.9 (b) the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

§ 946.6 *Application of provisions—(a) Handlers who are also producers.* No provisions hereof shall apply to a handler whose only sources of milk supply are receipts from his own production or from other handlers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

(b) *Receipts of bulk milk from a handler who is also a producer.* The market administrator, in computing the value of milk for any handler, shall consider as Class III milk any skim milk or butterfat contained in milk, skim milk, or cream received in bulk from a handler whose only source of milk is his own production. If the receiving handler disposes of skim milk or butterfat from such milk, skim milk, or cream, other than as Class III milk, the market administrator shall add to the total value, computed pursuant to § 946.7 (a), the difference between the value of such milk, skim milk, and cream at the Class III price computed pursuant to § 946.4 (b) (3) and the value according to its allocated usage.

(c) *Payment for excess skim milk or butterfat.* In the event that a handler, after subtracting receipts of milk, skim milk, and cream from other handlers, receipts of emergency milk, and receipts of other source milk, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, such handler shall pay to producers, through the producer-settlement fund, an amount computed by multiplying the pounds in each class as subtracted pursuant to § 946.3 (e) by the applicable class prices.

§ 946.7 *Determination of uniform prices to producers—(a) Computation of value for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of paragraphs (b) and (c) of § 946.6, the value of milk of producers received by each handler, by multiplying the quantity in each class, computed pursuant to § 946.3 (f), by the price applicable to such class and adding together such amounts: *Provided*, That if such handler uses butterfat from producers' milk received during April, May, and June, to produce butter, an allowance shall be made in the value of milk computed for such handler at the rate of .10 times the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of



Agriculture during the delivery period, ~~on~~ such butterfat so used which is not in excess of 10 percent of such handler's disposition of Class I butterfat computed pursuant to § 946.3 (d). If such handler utilizes emergency milk or other source milk in milk products, the amount of butter allocated to butterfat in milk received from producers shall be a pro rata share based upon the respective volumes of butterfat from each source utilized in milk products.

(b) *Computation and announcement of uniform price.* The market administrator shall compute and announce the uniform price per hundredweight of producer milk containing 3.8 percent of butterfat for each delivery period, as follows:

(1) Combine into one total the respective values computed pursuant to paragraph (a) of this section, for all handlers who made the report prescribed by § 946.5 (a) for such delivery period, except those in default of payments required pursuant to § 946.8 (c) for the preceding delivery period;

(2) Subtract, if the average butterfat content of all milk received from producers is in excess of 3.8 percent, or add, if such average butterfat content is less than 3.8 percent, the total value of the butterfat differential applicable pursuant to § 946.8 (f);

(3) Subtract for each of the delivery periods of April, May, and June, 1946, an amount representing 25 cents per hundredweight of milk received from producers by the handlers whose milk values are included under subparagraph (1) of this paragraph, such deduction to be increased to 30 cents per hundredweight during the corresponding delivery periods of 1947, to 35 cents per hundredweight during the corresponding delivery periods of 1948, and to 40 cents per hundredweight during the corresponding delivery periods of each year thereafter;

(4) Add an amount representing the cash balance in the producer-settlement fund, less the amount due handlers pursuant to § 946.8 (e) and less the aggregate of the amounts held pursuant to subparagraph (3) of this paragraph for payment pursuant to § 946.8 (d) (2);

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the total hundredweight of milk of producers;

(6) Subtract from the figure computed pursuant to subparagraph (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers; and

(7) On or before the 10th day after the end of each delivery period, notify each handler and publicly announce such uniform price, the class prices, and the butterfat differentials provided by § 946.4 (d) and § 946.8 (f).

§ 946.8 *Payment for milk—(a) Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer, for milk received during the delivery period, an amount of money

representing not less than the total value of such producer's milk at the uniform price per hundredweight, subject to the butterfat differential set forth in paragraph (f) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (d) of this section, he may reduce uniformly per hundredweight for all producers his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (f) of this section: *Provided*, That payments due any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the classification value of his milk, computed pursuant to § 946.7 (a), for the delivery period is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* (1) On or before the 20th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers any amount by which the classification value of his milk, computed pursuant to § 946.7 (a), for the delivery period is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(2) On or before the 15th day after the end of each of the delivery periods of September, October, and November, beginning in 1946, the market administrator shall pay out of the producer-settlement fund to the producers from whom milk was received during such delivery period an amount computed as follows: Divide one-third of the aggregate amount held pursuant to § 946.7 (b) (3) by the hundredweight of producers' milk delivered during the delivery period involved (September, October, or November, as above) and apply the resulting amount (computed to the nearest full cent per hundredweight) to the milk of each producer for such de-

livery period: *Provided*, That payment under this subparagraph due any producer who has given authority to a cooperative association which is qualified under the "Capper-Volstead Act" pursuant to § 946.9 (b), to receive payment for his milk shall be distributed to such cooperative association if the association requests receipt of such payments.

(e) *Adjustment of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* In making payment to each producer, pursuant to paragraph (a) of this section, each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of 1 percent of butterfat content above or below 3.8 percent in milk received from such producer, the amount as shown in the schedule below for the butter price range in which falls the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the delivery period during which such milk was received:

Butter price range (cents):	Butterfat differential (cents)
17.499 or less	2
17.50-22.499	2½
22.50-27.499	3
27.50-32.499	3½
32.50-37.499	4
37.50-42.499	4½
42.50-47.499	5
47.50-52.499	5½
52.50-57.499	6
57.50-62.499	6½
62.50-67.499	7
67.50-72.499	7½
72.50-77.499	8
77.50-82.499	8½
82.50-87.499	9
87.50-92.499	9½
92.50 and over	10

§ 946.9 *Marketing services—(a) Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight from the payments made directly to producers pursuant to § 946.8, with respect to all milk received by such handler from producers during each delivery period; and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period.



Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 946.8, as are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the association rendering such services.

§ 946.10 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2 cents per hundred-weight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) emergency milk received at a plant described in subparagraphs (1) and (2) of § 946.1 (e). Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be delivered by such cooperative association to a plant from which no milk is disposed of in the marketing area.

§ 946.11 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* (1) If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(2) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged, (ii) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 946.12 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 30th day of September 1947, to be effective on and after the 1st day of October 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-8989; Filed, Oct. 3, 1947; 8:46 a. m.]

[Lemon Reg. 242]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### LIMITATION OF SHIPMENTS

§ 953.349 *Lemon Regulation 242*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule

making procedure, and the 30-day effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 5, 1947, and ending at 12:01 a. m., P. s. t., October 12, 1947, is hereby fixed at 175 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 241 (12 F. R. 6397) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of October 1947.

[SEAL] C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 47-9021; Filed, Oct. 3, 1947; 9:33 a. m.]

[Orange Reg. 198]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

#### LIMITATION OF SHIPMENTS

§ 966.344 *Orange Regulation 198*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and the 30-day effective



## RULES AND REGULATIONS

tive date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 5, 1947, and ending at 12:01 a. m., P. s. t., October 12, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1600 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handler," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of October 1947.

[SEAL] C. F. KUNKEL,  
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

## PRORATE BASE SCHEDULE

[12:01 a. m. Oct. 5, 1947, to 12:01 a. m. Oct. 12, 1947]

## VALENCIA ORANGES

## Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0542
A. F. G. Fullerton	1.0914
A. F. G. Orange	.6670
A. F. G. Redlands	.2495
A. F. G. Riverside	.1856
A. F. G. San Juan Capistrano	.9647
A. F. G. Santa Paula	.3403
Corona Plantation Co.	.1478
Hazeltine Packing Co.	.3024
Placentia Pioneer Valley Growers Association	.7078
Signal Fruit Association	.0842
Azusa Citrus Association	.4625
Azusa Orange Co., Inc.	.1436
Damerel-Allison Co.	.9176

## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Glendora Mutual Orange Association	0.4012
Irwindale Citrus Association	.3658
Puente Mutual Citrus Association	.2211
Valencia Heights Orchards Association	.5383
Glendora Citrus Association	.3683
Glendora Heights Orange & Lemon Growers Association	.0326
Gold Buckle Association	.6260
La Verne Orange Association	.4792
Anaheim Citrus Fruit Association	1.6703
Anaheim Valencia Orange Association	1.5423
Eadington Fruit Company, Inc.	1.8691
Fullerton Mutual Orange Association	1.4357
La Habra Citrus Association	.5899
Orange County Valencia Association	.7029
Orangethorpe Citrus Association	1.2034
Placentia Coop. Orange Association	.7987
Yorba Linda Citrus Association, The	.6539
Alta Loma Heights Citrus Association	.0494
Citrus Fruit Growers	.1069
Cucamonga Citrus Association	.0717
Etiwanda Citrus Fruit Association	.0442
Old Baldy Citrus Association	.0948
Rialto Heights Orange Growers	.0968
Upland Citrus Association	.2965
Upland Heights Orange Association	.1594
Consolidated Orange Growers	2.3386
Frances Citrus Association	.6438
Garden Grove Citrus Association	1.7414
Goldenwest Citrus Association, The	1.5528
Irvine Valencia Growers	2.5719
Olive Heights Citrus Association	1.8517
Santa Ana-Tustin Mutual Citrus Association	.8174
Santiago Orange Growers Association	4.1503
Tustin Hills Citrus Association	1.6552
Villa Park Orchs. Association, The	1.9681
Andrews Bros., Inc.	.5229
Bradford Bros., Inc.	.7099
Placentia Mutual Orange Association	1.8429
Placentia Orange Growers Association	2.6022
Call Ranch	.0762
Corona Citrus Association	.4794
Jameson Company	.0493
Orange Heights Orange Association	.2908
Break & Son, Allen	.0594
Bryn Mawr Fruit Growers Association	.2777
Crafton Orange Growers Association	.4113
E. Highlands Citrus Association	.0903
Fontana Citrus Association	.0868
Highland Fruit Growers Association	.0532
Krinard Packing Co.	.2860
Mission Citrus Association	.1447
Redlands Coop. Fruit Association	.4268
Redlands Heights Groves	.3224
Redlands Orange Growers Association	.2742
Redlands Orangedale Association	.2975
Redlands Select Groves	.1692
Rialto Citrus Association	.1581
Rialto Orange Co.	.1575
Southern Citrus Association	.2235
United Citrus Growers	.1517
Zilen Citrus Co.	.0346
Andrews Brothers of Calif.	.1430
Arlington Heights Fruit Co.	.1789
Brown Estate, L. V. W.	.1991
Gavilan Citrus Association	.1120
Hemet Mutual Groves	.1084
Highgrove Fruit Association	.0550
McDermott Fruit Co.	.1470
Mentone Heights Association	.0763

## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Monte Vista Citrus Association	0.2302
National Orange Co.	.0428
Riverside Heights Orange Growers Association	.0918
Sierra Vista Packing Association	.0614
Victoria Avenue Citrus Association	.1843
Claremont Citrus Association	.1470
College Heights Orange & Lemon Association	.2172
El Camino Citrus Association	.0864
Indian Hill Citrus Association	.1843
Pomona Fruit Growers Exchange	.3723
Walnut Fruit Growers Association	.4524
West Ontario Citrus Association	.3789
El Cajon Valley Citrus Association	.2787
Escondido Orange Association	2.5323
San Dimas Orange Growers Association	.5270
Covina Citrus Association	1.1170
Covina Orange Growers Association	.4894
Duarte-Monrovia Fruit Exchange	.2259
Santa Barbara Orange Association	.0000
Ball & Tweedy Association	.6401
Canoga Citrus Association	.8883
North Whittier Heights Citrus Association	.9244
San Fernando Fruit Growers Association	.4502
San Fernando Heights Orange Association	.9979
Sierra Madre-Lamanda Citrus Association	.4731
Camarillo Citrus Association	1.5538
Fillmore Citrus Association	2.3657
Mupu Citrus Association	2.6196
Ojai Orange Association	.9880
Piru Citrus Association	2.0566
Santa Paula Orange Association	1.0470
Tapo Citrus Association	.5093
Limoneira Co.	.4126
E. Whittier Citrus Association	.4190
El Ranchito Citrus Association	1.0078
Murphy Ranch Co.	.4487
Rivera Citrus Association	.5670
Whittier Citrus Association	.9023
Whittier Select Citrus Association	.3361
Anaheim Coop. Orange Association	1.4371
Bryn Mawr Mutual Orange Association	.1253
Chula Vista Mutual Lemon Association	.0953
Escondido Coop. Citrus Association	.3461
Euclid Avenue Orange Association	.4398
Foothill Citrus Union, Inc.	.0345
Fullerton Coop. Orange Association	.5094
Garden Grove Orange Coop., Inc.	.8124
Glendora Coop. Citrus Association	.0586
Golden Orange Groves, Inc.	.3180
Highland Mutual Groves	.0653
Index Mutual Association	.2108
La Verne Coop. Citrus Association	1.4774
Olive Hillside Groves	.7528
Orange Coop. Citrus Association	1.2029
Redlands Foothill Groves	.5246
Redlands Mutual Orange Association	.1800
Riverside Citrus Association	.0551
Ventura County Orange and Lemon Association	.9433
Whittier Mutual Orange and Lemon Association	.1986
Babijuce Corp. of California	.6309
Banks Fruit Co.	.1333
Banks, L. M.	.4719
Borden Fruit Distributors	1.0181
California Fruit Distributors	.1626
Cherokee Citrus Co., Inc.	.1377
Chess Company, Meyer W.	.1583
Escondido Avocado Growers	.0453
Evans Brothers Packing Co.	.2170
Furr, N. C.	.0155
Gold Banner Association	.3045
Granada Hills Packing Co.	.0252
Granada Packing House	2.2922



## PRORATE BASE SCHEDULE—Continued

## VALENCIA ORANGES—continued

## Prorate District No. 2—Continued

Handler	Prorate base (percent)
Hill, Fred A.	0.0816
Inland Fruit Dealers	.0727
Mills, Edward	.0020
Orange Belt Fruit Distributors	2.1940
Panno Fruit Company, Carlo	.0350
Paramount Citrus Association	.2687
Placencia Orchards Co.	.5022
San Antonio Orchards Co.	.4773
Santa Fe Groves Co.	.0527
Snyder & Sons Co., W. A.	.8182
Stephens, T. F.	.0387
Sunny Hills Ranch, Inc.	.0485
Ventura County Citrus Association	.0164
Verity & Sons Co., R. H.	.0375
Wall, E. T.	.1013
Webb Packing Co.	.1634
Western Fruit Growers, Inc., Reds.	.6879
Yorba Orange Growers Association	.5289

[F. R. Doc. 47-9020; Filed, Oct. 3, 1947; 9:33 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

##### ANNUAL REPORT TO BE FILED BY LICENSEES OF BROADCAST STATIONS

In the matter of the Revision of Schedule 13 of Form Number 324 (Annual Report to be filed by Licensees of Broadcast Stations) and Instructions, § 1.341 of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1947:

The Commission having before it a proposal to revise, simplify and reduce Schedules 13-A and 13-B of Form Number 324 (Annual Report to be filed by Licensees of Broadcast Stations), which form is required to be filed by broadcast licensees pursuant to the provisions of Section 1.341 of the Commission's Rules and Regulations; and

It appearing, that under said proposal, for broadcast stations and networks having less than 15 employees, the requirements of present Schedules 13-A and 13-B which are designed for recording thereon by broadcast stations and networks of certain data concerning the number and compensation of their employees will be contained in new Schedule 13-A but will be materially reduced and simplified;

It further appearing, that, for broadcast stations and networks having 15 or more employees, a new Schedule 13-B will contain substantially the same requirements of present Schedules 13-A and 13-B, but these requirements will be simplified and clarified; and

It further appearing, that said proposals have been discussed with representatives of the broadcast licensees and of various unions composed of employees in the broadcast industry; and

It further appearing, that authority for the adoption of said revisions is contained in section 303 (1) and 308 (b) of

the Communications Act of 1934, as amended; and

It further appearing, that since no requirements of substance have been added, since certain requirements have been deleted, and since the effect of the adoption of the proposal herein is to relieve certain restrictions and create certain exemptions, the public notice and procedure provided for in section 4 of the Administrative Procedure Act is not required.

It is ordered, That effective October 6, 1947, Schedules 13-A and 13-B of Form Number 324 required to be filed by licensees of broadcast stations pursuant to § 1.341 of the Commission's rules and regulations, and accompanying instructions, be adopted in the form and content hereto attached in the place and stead of present Schedules 13-A and 13-B of Form 324 and the present instructions.

(Sec. 303 (1), 48 Stat. 1082, 308 (b) 48 Stat. 1084; 47 U. S. C. 303 (1) 308 (b))

Adopted: September 19, 1947.

Released: September 29, 1947.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8986; Filed, Oct. 3, 1947; 8:46 a. m.]

#### PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

##### LITIGATION AND ADMINISTRATION DIVISION

In the matter of amendment of § 1.73 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of August 1947;

The Commission having under consideration a proposal to abolish its Law Department field office located in Chicago, Illinois; and

It appearing, that the planned operations of the Commission for the immediate future requires that said proposal be adopted;

It is ordered, That, effective immediately, paragraph (c) of § 1.73 *Litigation and Administration Division* of the Commission's rules and regulations be amended so that the last sentence thereof shall read as follows: "These offices are located at: 90 Church Street, New York 7, New York; 100 McAllister Street, San Francisco 2, California."

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8965; Filed, Oct. 3, 1947; 8:46 a. m.]

#### PART 3—RADIO BROADCAST SERVICES

##### ORDER EXTENDING EXEMPTION FROM EXISTING RULES

In the matter of amendment of § 3.661 (a) of the rules and regulations of the Federal Communications Commission.

<sup>1</sup> Filed as part of the original document.

At a meeting of the Federal Communications Commission at its offices in Washington, D. C., on September 25, 1947:

The Commission having before it the written request of Television Broadcasters Association dated September 11, 1947, for an extension to January 1, 1948, of the action of the Commission of June 20, 1947, waiving the requirements of § 3.661 (a) of the Commission's rules and regulations until September 30, 1947; and

It appearing that Television Broadcasters Association has under study and consideration certain proposals to be submitted to the Commission which are designed to supply a new and different basis for determining the minimum number of hours per week which a television licensee should be required to broadcast; and

It further appearing that said proposals require further study by Television Broadcasters Association and cannot be submitted for Commission consideration and action before September 30, 1947, the date of expiration of the waiver of § 3.661 (a); and

It further appearing that the requested extension constitutes an exemption from the requirements of § 3.661 (a) of the Commission's rules and regulations, and that the public notice and procedure required by section 4 of the Administrative Procedure Act is impracticable.

It is ordered, That, effective immediately, § 3.661 (a) be amended so that the footnote thereto will read as follows:

<sup>1</sup> The requirements of § 3.661 (a) are waived until December 31, 1947.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8964; Filed, Oct. 3, 1947; 8:46 a. m.]

#### PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

##### FREQUENCY TOLERANCES PERMITTED REMOTE PICKUP BROADCAST STATIONS

In the matter of amendments of Part 4 of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1947:

The Commission having under consideration Part 4 of the Commission's rules and regulations, rules governing experimental and auxiliary broadcast services, § 4.461 of which prescribes the frequency tolerances permitted remote pickup broadcast stations; and

It appearing, that such section requires after October 1, 1947, that all remote pickup broadcast stations maintain closer frequency tolerances than heretofore required of equipment installed prior to October 1, 1946, and that a substantial number of such stations now licensed were constructed prior to that date; and

It appearing, that the frequencies of remote pickup broadcast stations licensed for operation above 25 megacycles are



in the course of reassignment pursuant to action in Docket No. 6651 which may in some cases require considerable modification in equipment at an early date making undesirable the modification of frequency monitors and transmitters necessary to meet revised frequency tolerances at this time, and thus an exemption should be granted by modification of this section; and

It further appearing, that for good cause shown herein, the delays occasioned by publication of notice of proposed rule making should be avoided since such delays would result in unwarranted changes in equipment for a temporary period of time on the part of licensees, which changes would become useless, thus resulting in an unnecessary expenditure of funds and an unwarranted waste of technical material; and

It further appearing, that since the proposed amendment grants an exemption to licensees of remote pickup broadcast stations, this order may be made effective immediately; and

It further appearing, that authority for this amendment is contained in sections 303 (e) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Part 4 of the Commission's rules and regulations be amended in the following respect:

To footnote 1 of § 4.461 there shall be added the following sentence: "Provided, however, That remote pick-up broadcast stations now operating in the frequency range 30-40 megacycles and on frequencies above 154 megacycles will during the period such operation continues, pending frequency reassignment of these stations pursuant to the proceedings in Docket No. 6651, retain the frequency tolerance requirements of their present licenses."

(Sec. 303 (e) 48 Stat. 1082, 303 (r) 50 Stat. 191, 47 U. S. C. 303 (e) 303 (r))

Released: September 22, 1947.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8963; Filed, Oct. 3, 1947;  
8:46 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

##### MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of September A. D. 1947.

The matter of accounting regulations for steam railroads being under consideration pursuant to the provisions of section 20 of Part I of the Interstate Commerce Act, as amended; and

It appearing, that by order dated August 4, 1947, certain modifications in the

"Uniform System of Accounts for Steam Railroads, Issue of 1943," were issued (12 F. R. 5762) to become effective January 1, 1948, unless otherwise ordered after consideration of objections to be filed on or before September 15, 1947; and

It further appearing, that no objections to the said modifications were received within the specified period (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20 (3); It is ordered, That:

(1) The modifications which were attached to and made a part of the said order of August 4, 1947, shall be filed with the Director of the Division of the Federal Register, together with a copy of this order, to be published in the FEDERAL REGISTER as substantive rules under section 3 (a) (3) of the Administrative Procedure Act, such rules to become effective January 1, 1948; and,

(2) Notice shall be given each steam railroad which was served with the said order of August 4, 1947, that the modifications attached thereto and made a part thereof will become effective January 1, 1948, as therein ordered; and,

(3) A copy of this order and a copy of the notice to interested carriers shall be deposited in the office of the Secretary of the Commission at Washington, D. C.

#### OPERATING REVENUES AND OPERATING EXPENSES

1. In § 10.02-4 *Miscellaneous operations*, eliminate the words "stock yards" from the text of the instruction, and insert the following additional general instruction:

§ 10.02-6 *Stockyards*. The revenues and expenses arising from the operation of stockyards shall not be included in operating revenue or operating expense accounts unless the operation of the facilities is conducted in connection with the transportation of livestock. It is not intended, however, that revenues and expenses arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from operating revenues and expenses.

#### REVENUE ACCOUNTS TRANSPORTATION

2. In § 10.101 *Freight*, add the following to the list of items to be charged:

Amounts paid on basis of tariff rates for loading and unloading livestock.

Change the period at the end of Note G to a comma and add the following: "and (e) payments on basis of tariff rates for loading and unloading livestock."

3. In § 10.140 *Stockyard*, cancel the number, title, and text of this account.

4. In § 10.143 *Miscellaneous*, add the following to the list of items:

(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.

#### JOINT FACILITY

5. In § 10.151 *Joint facility—Cr.*, change the period at the end of the text to a comma and add the following: "in-

cluding revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

6. In § 10.152 *Joint facility—Dr.*, change the period at the end of the text to a comma and add the following: "including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations."

In Note B, eliminate reference to accounts 121 to 128, 132, 139, and 140, and insert the word "and" between accounts 116 and 131.

#### EXPENSE ACCOUNTS

##### MAINTENANCE OF ROADWAY

7. In paragraph (a) *Care of roadbed*, of § 10.202 *Roadway maintenance*, substitute the word "repairing" for the word "constructing" in the list of items of roadway expense, the third item, and add the following item:

Post driving and pressure grouting to promote stability of roadbed.

8. In § 10.227 *Station and office buildings*, insert the item "stockyards," following the item "stock pens," in the list of station and office structures and details.

##### TRANSPORTATION

9. In paragraph (a) *Agents, clerks, and attendants*, of § 10.373 *Station employees*, insert the word "stockyards," between the words "stations," and "wharves," in the first sentence, and in the list of employees insert the item "Stockyards superintendents and foremen," following the item "Stationmasters."

In paragraph (b) *Labor at stations*, eliminate the word "and" in the first sentence where it precedes the word "watering;" following the latter word insert the words "bedding, shearing, dipping, inspecting, and otherwise caring for", and in the list of employees insert the item "Stockyards laborers," following the item "Stock-pen laborers."

10. In paragraph (a) *Heating*, of § 10.376 *Station supplies and expenses*, insert the word "stockyards," between the word "offices," and the words "and other—".

In paragraph (b) *Lighting*, insert the word "stockyards," between the words "offices," and "other."

In paragraph (c) *Other expenses*, change the period at the end of the text to a comma and add the following words: "including those for stockyards."

In *Items of Expense*, after "Station employees' expenses," insert the following additional item of expense: "Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock."

#### MISCELLANEOUS OPERATIONS

11. In § 10.444 *Stockyards*, cancel the number, title, text, and note of this account, and prescribe the following additional accounts:



§ 10.447 *Operating joint miscellaneous facilities—Dr.* This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

§ 10.448 *Operating joint miscellaneous facilities—Cr.* This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

## INCOME ACCOUNTS

## DEBIT

12. In § 10.560 *Form of income statement*, cancel the grouping of accounts captioned "Contingent charges," and substitute the following:

## OTHER DEDUCTIONS

552. Income applied to sinking and other reserve funds.

(a) Increments to special funds required to be retained therein and not subject to withdrawal except for purposes of the funds.

546. Interest on funded debt.

(c) Contingent interest.

Total other deductions.

In the grouping of accounts showing disposition of net income cancel item (c) under account 552, "Income applied to sinking and other reserve funds," and substitute the following:

(b) Income applied to capital funds under Governmental authority or other arrangements.

(c) Appropriations, allotments, and payments from income of definite amounts to special funds not includible in 552 (a) or 552 (b).

## GENERAL BALANCE-SHEET ACCOUNTS

## CREDIT

13. In § 10.769 *Liability for provident funds*, cancel the title, text, and notes of this account and substitute the following:

§ 10.769 *Pension and welfare reserves.* This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or surplus, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

(Sec. 20, 24 Stat. 386, as amended, 54 Stat. 917; 49 U. S. C. 20 (3))

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-8955; Filed, Oct. 3, 1947; 8:56 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

Production and Marketing  
Administration

## [17 CFR, Part 978]

HANDLING OF MILK IN NASHVILLE, TENN.,  
MARKETING AREANOTICE OF RECOMMENDED DECISION AND  
OPPORTUNITY TO FILE WRITTEN EXCEP-  
TIONS THERETO WITH RESPECT TO PROPOSED  
MARKETING AGREEMENT AND TO PROPOSED  
ORDER; EXTENSION OF TIME TO FILE EX-  
CEPTIONS

A notice of recommended decision and opportunity to file written exceptions thereto with respect to a proposed marketing agreement and to a proposed order regulating the handling of milk in the Nashville, Tennessee, marketing area was published in the FEDERAL REGISTER (12 F. R. 6382) on September 26, 1947. The time within which interested parties may file written exceptions to that recommended decision is hereby extended to not later than the close of business on October 10, 1947.

Dated at Washington, D. C., October 1, 1947.

[SEAL]

S. R. NEWELL,  
Acting Assistant Administrator,  
Production and Marketing  
Administration.

[F. R. Doc. 47-8987; Filed, Oct. 3, 1947; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

## [14 CFR, Part 40]

AIRPORT FIRE FIGHTING EQUIPMENT AND  
RUNWAY WIND SOCKS

## NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 40 of the Civil Air Regulations the purpose of which is to assure adequate fire protection at all airports utilized for scheduled air carrier operations and to make available to the pilot, in all such operations, the exact wind direction at ground level when the aircraft is taking off or landing.

It is proposed to amend Part 40 as follows:

1. Add new §§ 40.2010, 40.2110, 40.2210, 40.3010, 40.3110, and 40.3210 to read as follows:

*Fire fighting equipment.* The Administrator shall prohibit the landing or take-off of scheduled air carrier aircraft where he finds that an airport does not have available ground fire fighting equipment and personnel adequate for the operations involved: *Provided*, That such landing or take-off shall not be prohibited when an adequate program for the provision of such equipment and personnel is submitted to the Administrator for his approval, and he finds that the implementation of such program has not been unduly delayed.

2. Add new §§ 40.2011 and 40.3011 to read as follows:

*Wind socks.* The Administrator shall prohibit the landing or take-off of scheduled air carrier aircraft from an airport where he finds that a wind sock, of a type approved by the Administrator, has not been installed at each end of the runway or runways utilized by such air carrier aircraft.

3. Add new §§ 40.2111 and 40.3111 to read as follows:

*Illuminated wind socks.* The Administrator shall prohibit the landing or take-off of scheduled air carrier aircraft from an airport where he finds that an illuminated wind sock, of a type approved by the Administrator, has not been installed at each end of the runway or runways utilized by such air carrier aircraft.

4. Add new §§ 40.2211 and 40.3211 to read as follows:

*Wind socks.* For day operations the Administrator shall prohibit the landing or take-off of scheduled air carrier aircraft from an airport where he finds that a wind sock, of a type approved by the Administrator, has not been installed at each end of the runway or runways utilized by such air carrier aircraft, and for night operation where illuminated wind socks, of a type approved by the Administrator, have not been so installed.

This regulation is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

It is the desire of the Board that those interested offer suggestions and comments regarding the proposed amend-



ment. Comments in writing should be addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C., for receipt within 30 days from the date of this public notice.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-8976; Filed, Oct. 3, 1947;  
8:49 a. m.]

## UNITED STATES MARITIME COMMISSION

[46 CFR, Part 231]

### PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES

#### NOTICE OF PROPOSED RULE MAKING

The U. S. Maritime Commission has prescribed, under the provisions of section 18 of the Shipping Act, 1916, as amended, and the provisions of the Intercoastal Shipping Act, 1933, as amended, a proposed Tariff Circular No. 3 to supersede and cancel Tariff Circular No. 1, adopted by the U. S. Shipping Board in 1920 and, after various amendments thereto, adopted by the U. S. Maritime Commission in 1936 in its blanket adoption of existing orders. Tariff Circular No. 3 will cover freight and passenger regulations governing the publication, posting and filing of rates, fares and charges by common carriers by water in interstate commerce.

The public will have thirty (30) days from this date within which to submit written views and suggestions thereon. Communications should be addressed to the Division of Regulation, U. S. Maritime Commission, Room 7513 Commerce Building, Washington 25, D. C.

A. J. WILLIAMS,  
Secretary.

Freight and passenger tariff regulations governing the publication, posting and filing of rates, fares and charges by common carriers by water in interstate commerce as defined in section 1 of the Shipping Act, 1916, as amended, and subject to the jurisdiction of the United States Maritime Commission. Prescribed by United States Maritime Commission under the provisions of section 18, Shipping Act, 1916, as amended, and the provisions of the Intercoastal Shipping Act 1933, as amended.

Every common carrier by water engaged in the transportation for hire of passengers or property on the high seas on regular routes between continental ports of the United States and ports in its Territories, Districts, or possessions; between a port in any such Territory, District, or possession, and a port in another such Territory, District, or possession; and between places in the same Territory, District, or possession, is required by the Shipping Act, 1916, as amended by the Intercoastal Shipping Act, 1933, as amended (39 Stat. 728, 46 U. S. C. 801; 47 Stat. 1425, 46 U. S. C. 843-844; 52 Stat. 964, 46 U. S. C. 845b; 54

Stat. 929, 49 U. S. C. 901 et seq.), to file with the United States Maritime Commission and keep open to public inspection schedules showing its actual rates, fares, and charges for or in connection with transportation between points on its own route; and if a through route has been established, all the rates, fares and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water. It is further required that the schedules shall plainly show the places between which freight and passengers will be carried and shall contain the classification of freight and passenger accommodations in force and shall state separately each terminal or other charge, privilege, or facility granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates, fares, or charges, or the value of service rendered to the consignor, consignee, or passenger, and that no change shall be made in such rates, fares, charges, or classifications, rules, or regulations except by the publication, filing and posting of new schedules which, unless otherwise authorized by the Commission or the rules herein, shall become effective not earlier than thirty days after the date of posting and filing with the Commission.

All tariffs, supplements and revised pages as are filed, subject to the foregoing, shall on and after the effective date of this circular, unless otherwise authorized by the Commission, conform to the rules herein.

The Commission may at any time direct the reissue of any tariff publication that may not be in accordance with the provisions of the Intercoastal Shipping Act, 1933, as amended, or the regulations published herein. Tariff publications which fail to provide the required notice or fail to comply with the rules of this circular are subject to rejection.

It is believed that carriers engaged in foreign commerce and "other persons subject to the Act" (Shipping Act, 1916) will find that in complying with such of the provisions of this circular as can be made applicable will tend to simplify and clarify their tariffs for the Maritime Commission and, more important, for their customers, the shipping public.

Marine terminal operators or wharfingers, freight forwarders, carloaders, car-unloaders, etc., should substitute for the word "carrier" wherever it appears in this circular the proper designation, in order to indicate the character of the work for which the rate or charge is made.

Carriers subject to the requirements of the Intercoastal Shipping Act, 1933, above referred to, will observe the rules and regulations contained in this circular with respect to any filing made sixty days after the issuance of the circular.

This Tariff Circular cancels Tariff Circulars Nos. 1 and 2 (United States Shipping Board Bureau, Department of Commerce) relating to the publication, posting and filing of freight and passenger tariff schedules, and Special Permission Nos. 920, and Amendment No. 2, and 1834.

### PART 231—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES

Sec.	Definitions.
231.0	Construction of tariffs.
231.1	Filing and posting of tariff publications.
231.2	Indication of changes.
231.3	Title page.
231.4	Contents of tariff publications.
231.5	Publication of loose-leaf tariffs.
231.6	Commodity rates.
231.7	Classifications and exceptions.
231.8	Terminal rules, charges, absorptions and allowances.
231.9	Index of tariffs.
231.10	Amendments and supplements to tariffs.
231.11	Cancellations.
231.12	Notice requirements and rejections.
231.13	Special permission applications.
231.14	Round-trip excursion fares.
231.15	Service to additional ports.
231.16	Extension of terminal facilities.
231.17	Adoption of tariffs, etc.
231.18	Seasonal discontinuance and restoration of service.
231.19	Suspension of tariff publications.
231.20	Power of attorney.
231.21	Concurrence in tariffs.
231.22	Letters of transmittal.
231.23	

AUTHORITY: §§ 231.0 to 231.23, inclusive, issued under 39 Stat. 728, 47 Stat. 1425, 52 Stat. 964, 54 Stat. 929; 46 U. S. C. 801, 843-844, 845b, 49 U. S. C. 901 et seq.

§ 231.0 *Definitions.* The following definitions of terms used in this part will apply unless the context indicates otherwise:

(a) "Person": As used in this part includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees or personal representatives.

(b) "Other persons subject to the act": Any person not included in the term "common carrier by water", carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

(c) "Carrier": A synonym for "common carrier" as defined in section 1 of the Shipping Act, 1916 (39 Stat. 728, Chapter 451) and applies to the person which actually holds itself out to the general public to furnish the transportation service.

(d) "Local": Applies to rates, fares, or charges for transportation over the line of a single carrier only.

(e) "Joint": Applies to rates, fares or charges for joint transportation over the lines of two or more common carriers, under power of attorney or concurrence.

(f) "Proportional": Applies to rates, fares or charges of a common carrier, on traffic originating and/or destined beyond the points between which such rates, fares or charges apply.

(g) "Commodity rate": A rate or rates applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published.

(h) "Class rate": A rate for common carrier transportation applying on any one or more of various articles according to the class rating to which they are assigned in the classification or excep-



tions thereto governing the class rate tariff, or in the class rate tariff itself.

(i) "Through rate": The through rate from point of origin to destination, whether a local rate, a joint rate or a combination of separately established rates.

(j) "Tariff": A publication containing the actual rates, fares, charges, classifications, rules, regulations and practices of a common carrier for transportation by water.

(k) "Tariff publication": A schedule, tariff, supplement to, or revised or amended page of, a schedule or tariff.

(l) "Classification": A publication governing class rate tariffs and containing a list of articles or commodities and the class ratings to which they are assigned, and the governing rules and regulations.

§ 231.1 *Construction of tariffs*—(a) *Form, size, quality of paper, and type.* All tariff publications shall be made in book, pamphlet or loose-leaf form of size 8 by 11 inches, plainly and legibly printed, mimeographed, planographed, stereotyped or reproduced by other similar durable process on paper of good quality, from type of size not less than 8-point bold or full face, except that 6-point type may be used for reference marks, for explanations thereof appearing on the same page with such reference marks, for column headings, for bills of lading, and in other places where only a few words are used.

(1) *Typewritten or proof sheets.* Typewritten or proof sheets shall not be used for posting or filing.

(2) *Binding margin.* A margin of not less than five-eighths of an inch shall be allowed at the binding edge of each tariff publication.

(3) *No erasures or alterations.* No erasures or alterations shall be made.

(b) *Numbering of pages.* The pages of each tariff and each supplement shall be numbered consecutively, considering the Title Page No. 1.

(c) *Separate series for freight and passenger tariffs.* Freight and passenger tariffs shall be numbered in separate series. Tariffs filed by a carrier shall be numbered in the USMC-F (or -P) (freight or passenger) series of the issuing carrier and tariffs filed by an agent shall be numbered in the agent's individual USMC-F (or -P) series.

(d) *Subdivision of matter into sections.* Tariff matter may be subdivided into small sections by items, to each of which shall be assigned an identifying number.

§ 231.2 *Filing and posting of tariff publications*—(a) *Filing tariffs.* Tariffs, supplements thereto and revised pages thereof shall be filed with the Commission by proper officer or duly authorized agent of the carrier by transmitting two copies thereof in one package addressed to the United States Maritime Commission, Division of Regulation, Washington, D. C. (See § 231.23.) All postage or other charges must be prepaid.

(b) *Filing is for all participating carriers.* When a tariff publication is filed by a carrier or by an agent, the power of attorney or concurrence of every carrier participating therein must be filed

separately with the Commission or must accompany the tariff publication. The filing of a tariff by a carrier or an agent constitutes filing for all carriers parties thereto.

(c) *Conflict between tariffs must be avoided.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates or fares must not publish rates or fares which duplicate or conflict with those which are published by such authorized agent or other carrier.

(d) *Posting.* Every carrier shall maintain in an orderly manner a complete file of the tariffs issued by it, or to which it is a party, in its general office or other place accessible to the public, and shall also place in the hands and custody of its agents or other representatives at its principal office at each port at which freight (or passengers) is received for all transportation, all of the tariffs which contain rates of fares applying from, or at that port, including the tariffs issued by its authorized agent under authority of power of attorney or concurrence, and by any other common carriers by water under authority of concurrence. Such tariffs shall be made accessible to the public and shall be open to public inspection and examination during regular hours of business. A notice printed in large type shall be posted in a public and conspicuous place at every wharf, dock and other place where freight, (or passengers) is received for transportation, reading as follows:

Complete file of all tariffs in which this company is shown as a participating carrier is maintained at the general office of this company in the city of \_\_\_\_\_ and a complete file of the tariffs of the company publishing freight rates (or passenger fares) applying from or at this port for account of this company is maintained in the office of this company in this city at \_\_\_\_\_ (street and number). Such tariffs may be inspected by any person upon application and without the assignment of any reason for such desire.

(e) *Surrender or withdrawal of tariff publication.* The Commission will not surrender or permit to be withdrawn any tariff publication filed with it, except as provided in § 231.13.

§ 231.3 *Indication of changes*—(a) *Uniform symbols.* Changes in tariff matter shall be indicated in all tariff publications by the use of the following uniform symbols, which shall not be used for any other purpose:

- to denote reductions.
- ◇ to denote increases.
- △ to denote change in wording which results in neither increases nor reductions in charges.

(b) *General changes indicated at top of page.* When a change of the same character is made in all or in substantially all rates or fares in a tariff publication that fact and the nature of the change may be shown in bold face type at the top of the title page of such publication or at the top of each page, in the following manner: "All rates or fares in this tariff (or supplement or on this page) are increases (reductions), except as otherwise indicated. When the foregoing notation is shown, a bold face dot

"●" shall be used to symbolize a rate or fare in which no change has been made. This symbol shall not be used for any other purpose.

§ 231.4 *Title page.* The title page of every tariff or supplement shall show in the order named:

(a) *Designations.* On the upper right-hand corner of each tariff a number preceded by the symbols "USMC" and "F" or "P" to designate either the freight or passenger tariff series, respectively. The first tariff filed in a series shall be designated "No. 1", as USMC-F (or -P) No. 1. Subsequent tariffs in the same series shall be given consecutive numbers.

Immediately thereunder shall be shown the designation of the tariff (or tariffs) to be canceled thereby.

For example:

USMC-F No. 4  
cancels  
USMC-F No. 2

On the upper right-hand corner of each supplement the number of such supplement followed by the USMC number of the tariff to which it is a supplement shall be shown. The first supplement to a tariff shall be designated as Supplement No. 1.

For example:

Supplement No. 1  
to  
USMC-F No. 5

Under the supplement number shall be shown the number (or numbers) of any previous supplement (or supplements) to be canceled and the number of the supplements containing all changes in the tariff in effect on the date thereof.

For example:

Supplement No. 6  
to  
USMC-F No. 1  
cancels  
Supplement No. 5

Supplements Nos. 1 and 6 contain all effective changes from the original tariff.

If the number of cancelled tariffs is so large as to render it impracticable to list them on the title page, they must be listed under an appropriate heading immediately following the table of contents, where a table of contents is required; otherwise, they must be so listed as the first entries on page 2 of the tariff; provided specific reference thereto is entered on the title page directly under the USMC number.

For example:

USMC-F No. 13  
(For cancellations, see Page 2)

If, for any cause, a tariff publication is filed which does not bear the next consecutive USMC number to the publication, previously filed, it shall be accompanied either by a memorandum, or by a statement in the letter of transmittal, in explanation of any missing number or numbers.

(b) *Name of carrier or agent.* Individual, firm or corporate name of issuing carrier or name of agent issuing under power of attorney.



(c) *Kind of tariff.* The kind of tariff as freight, refrigerated cargo, or general merchandise, etc.; joint, local, or proportional; class or commodity; classification; terminal or transit services (specifically naming them); passenger.

(d) *Territory.* The ports or geographical territory to, from or between which the tariff publication applies.

(e) *Reference to governing publications.* Reference by name and USMC-F (or -P) number to any publication governing tariff, as for example:

Governed, except as otherwise provided herein, by classification USMC-F (or -P) No. ---- and by supplements thereto and successive issues thereof.

Reference to a governing publication shall not be made unless such publication is duly filed with the Commission and the carrier whose tariff makes reference thereto is shown as a participant therein under proper authority. A tariff is not governed by the rules or regulations or the classification of such governing publication referred to except when and to the extent stated on or in the tariff.

(f) *Date of issue and effective date.* A tariff, supplement, or revised page may contain matter effective upon a date different from the general effective date, in which event the following notation shall be shown immediately in connection with the general effective date:

"Effective ----- 19 ---- Except as otherwise provided herein", or  
"in item -----"  
"on page -----"

If all the matter is made effective on less than statutory notice, the short notice effective date shall be shown on the title page followed by the notation that the publication is made effective "upon ---- days' notice under authority of (here show authority) -----"

If the entire publication is to expire on a specified date, the expiration notice shall be shown on the title page; if only a part of the publication is to expire, the notice must be shown either in connection with and on the same page as the matter which is to expire or by reference to a rule in the tariff covering the expiration date. Changes in expiration dates shall be made only on statutory notice unless otherwise authorized by the Commission. Expirations shall be indicated as follows:

Expires ----- (date).

(g) *Issuing officer or agent.* Name, title, and post office address of the issuing officer or agent.

§ 231.5 *Contents of tariff publications.* Tariffs shall contain in the order named:

(a) *Table of contents.* Table of contents alphabetically arranged with reference to the page or item where the matter will be found. If the volume of tariff matter is so small that the title page or interior arrangement of the publication plainly discloses its contents, the table of contents may be omitted.

(b) *Issuing and participating carriers.* The individual, firm or corporate name in full of issuing and participating carrier or carriers shown in alphabetical order.

(1) *Trade names.* Trade names may be shown in parentheses immediately following the individual, firm or corporate names.

(2) *Listing of powers of attorney and concurrences.* The designation and number of the powers of attorney and concurrences (see §§ 231.21 and 231.22) shall be shown opposite each carrier's name.

(c) *Index of ports.* Alphabetical lists of the ports, places, anchorages and roadsteads from, and to which rates, fares, or charges apply, showing in connection with each, the name of the State, Territory or possession wherein located, and the name or names of the carrier or carriers serving each port. Where practicable the alphabetical list of ports, places, anchorages, and roadsteads may appear on the title page.

Where the application of the rates, fares, charges, rules, or regulations is restricted to particular piers, docks or wharves at any port, such piers, docks or wharves must be specifically named.

(d) *Index of commodities.* An alphabetical index of all articles for which commodity rates are named, together with reference to each item and page where such article is shown. Articles shall also be cross-indexed to indicate their various names and descriptive adjectives. All of the entries relating to different kinds or species of the same commodity may be grouped together; for example, "Iron and Steel" or "Machinery", in which case, however, the articles included in a specific grouping shall also be cross-indexed.

If all the articles for which commodity rates are published in a tariff or supplement are arranged in alphabetical order by commodities in the rate section with appropriate cross-reference, the index of commodities may be omitted.

(e) *Reference marks and abbreviations.* Explanation of all abbreviations, symbols, and reference marks used in the tariff publication, except that the explanation of a symbol or reference mark used only in connection with particular matter shall be shown on the page on which used.

(f) *Exceptions.* List of exceptions, if any, to the classification tariff governing the rate tariff.

(g) *General rules and regulations.* General rules and regulations in clear and definite terms which govern the rates, fares, or charges in the tariff, the title or subject of each rule or regulation to be in distinctive type. Under this heading shall be shown all provisions which affect the charges for or the value of the service, such as separate charges for demurrage, wharfage, heavy lifts, long lengths, or other services in connection with the transportation and to what extent the rates, fares or charges in the tariff or schedule include such services, and any other rule necessary to state plainly the arrangements sought to be established. Each rule or regulation shall be given a separate number and may be subdivided into lettered paragraphs. A rule affecting a particular item, rate, fare or charge may be shown in connection with or on the same page.

(1) *Options as to applicability of rates published.* No rule shall be permitted

which allows the carrier or shipper to exercise any option as to the rates to be applied.

(2) *Separate tariffs for rules.* A carrier or duly authorized agent may publish a separate tariff containing general rules and regulations affecting freight rates or passenger fares. Only one such separate publication may be filed by or on behalf of any carrier, and each publication may be used only when referred to by USMC-F (or -P) number in the tariff of rates or fares in the following manner:

Governed, except as otherwise provided herein, by rules and regulations shown in -----, USMC-F (or -P) No. ----, supplements thereto and successive issues thereof.

(h) *The rates or fares.* A definite statement of the rates, fares or charges in cents or in dollars and cents, in lawful currency of the United States, per 100 pounds, per barrel, or other package, per ton of 2,000 pounds or per ton of 2,240 pounds, per cubic foot, or per person, or other recognized unit or basis, all arranged in clear and orderly manner. Where other currency is involved the tariff should be clear and distinct as to what rates of exchange will be used. Tariffs containing rates per barrel, or other package, shall define such package. Clear and concise rules indicating the methods to be used in determining weights or measurements shall be included in the tariff.

(1) *Arbitrariness or differentials.* A tariff may provide rates or fares from or to designated ports by the addition or reduction of arbitrariness or differentials to or from rates or fares from or to base ports shown in the same tariff.

(2) *Transfer charges included in joint rate or fare; and routes.* A joint through rate or fare shall include the charges for the transfer of property or passengers at the port of transshipment. Tariffs containing such rates shall include a note as follows:

The joint rates published herein include all charges for toll, wharfage, handling or other transfer services at intermediate port of transshipment.

(3) *Proportional rates and fares.* Tariffs containing proportional rates or fares shall define their application and limitation.

When through routes are established with carriers using other forms of transportation, which are not subject to the jurisdiction of the Interstate Commerce Commission, the carrier by water shall file the rates for the water portion of the through route and these rates may be set up as proportional rates.

§ 231.6 *Publication of loose-leaf tariffs—(a) Loose-leaf tariffs.* Pages of loose-leaf tariffs shall be printed (see § 231.1 (a)) on one side only. The pages shall be numbered consecutively, page number 1 being assigned to the title page. Each page originally filed shall have the designation "Original Page". Title pages shall contain the matter required in § 231.4. The name of the issuing carrier or agent, and the USMC-F or "P" number of the tariff shall be shown at the top and the date of issue, effective date, and name, title, and post office address



of the issuing officer or agent shall be shown at the bottom of each page.

(b) *Changes or additions.* Changes in loose-leaf tariffs shall be made by re-printing the page upon which change is made. Such changed page shall be designated as a revised page and shall cancel the previously designated page; for example, "First Revised Page 5 cancels Original Page 5", or "Second Revised Page 10 cancels First Revised Page 10".

(1) *Additional pages.* If the matter on a page is expanded so that it cannot be published on a single page, an additional page may be filed bearing the same page number with a letter suffix. For example, if the matter on Original Page 10 is expanded, two pages shall be filed numbered "First Revised Page 10" and "Original Page 10-A". First Revised Page 10 shall cancel Original Page 10, and the words "Continued on Original Page 10-A" shall be shown at the bottom thereof and at the bottom of each revision thereof.

(2) *Cancellations.* If a revised page is issued which omits matter theretofore published on the page which it cancels, and such matter is published on another page, the revised page shall make specific reference to the page on which the matter will be found.

§ 231.7 *Commodity rates*—(a) *Commodity rates.* When commodity rates are established they are the applicable rates and the only rates that may be used via the route or routes over which they apply. Commodity rates must be specific and shall not apply by implication on analogous articles; however a commodity may be specified by name in the tariff followed by the words "same rate as X" or words of similar import. As far as possible uniform commodity descriptions shall be used in all tariffs.

Where rates are published on a weight or measurement basis statement shall be specific that the basis producing the greater or lesser revenue will apply.

(b) *Grouping of articles under generic head.* A commodity item may provide rates on a number of articles by use of a generic heading without naming such articles, provided such commodity item refers to any item in the tariff or in the governing classification filed with the Commission (See § 231.4 (e)), for such list of articles. Example, "Machinery and Machines, as described in Item ----, or successive issues thereof", or "Iron and Steel Articles as described under heading 'Iron and Steel', in ---- classification."

(c) *Rule in class tariffs re commodity rates.* Commodity rates, when established, displace class rates on the same articles between the same ports and via the same route. Each class tariff or the classification or exception to which it refers shall contain a rule reading substantially as follows:

The establishment of a commodity rate removes the application of the class rate on the same article between the same ports via the same route.

(d) *Explosives and other dangerous articles.* Rates on explosives and other dangerous articles shall state that such rates will be governed by the rules and regulations of the appropriate govern-

mental agency governing the handling of such traffic; and shall make reference to such publication by the USMC designation and number filed with the Commission (see § 231.4 (e)) by another carrier or agent and in which the carrier is a participant under authority of a power of attorney or concurrence form outlined in §§ 231.21 and 231.22.

Carriers may file such rules and regulations in tariff form in their own numerical USMC series if they so desire, in lieu of participating in such rules and regulations filed with the Commission by carrier or agent. When so filed reference thereto by the USMC designation and number shall be made in the tariff publishing rates on such articles.

§ 231.8 *Classifications and exceptions*—(a) *Classifications.* A tariff may be filed containing a classification of the articles upon which the rates named in other tariffs apply making reference thereto. The articles must be listed in the classification in an orderly manner and a designated rating must be shown in connection with each description thereof. Rules, if any, having an application to the classification must precede the list of articles and must be separately numbered.

(b) *Exceptions.* As far as possible, exceptions having application to rates or rules published in a particular rate tariff shall be published therein. Exception to the ratings or rules of a classification must clearly and definitely show the rating or rule to which it is an exception.

(c) *Applications of classifications and exceptions.* Classifications and exceptions have application only in connection with and to the extent provided for in tariff publications which refer thereto. (See § 231.4 (e).)

§ 231.9 *Terminal rules, charges and allowances.* Every common carrier by water subject to the regulations in this part must publish, post, and file in its rate tariffs in a definite and specific form each terminal privilege, facility, or service which is included in the port-to-port rates, fares and charges of such carrier. If these services are performed by an outside company and the carrier collects or absorbs all or part of the charges such charges or absorption must also be published in the tariff.

Provisions for the payment of allowances to shippers, consignees, or passengers in lieu of the privileges, facilities or services referred to herein must be published and filed with particularity as to the specific privilege, facility or service involved, the amount of the specific allowance to be made and the rules applying to the making of each allowance.

Changes in terminal rates, charges and provisions, based upon the rates, charges and provisions of terminal operators over which the carrier has no control may be posted and filed on not less than ten days' notice. Tariffs or schedules establishing such changes must bear the following notation in connection with the effective date thereof:

Effective ---- 19-- Issued on not less than 10 days' notice, under authority of Rule 9 of Tariff Circular No. 3 of the United States Maritime Commission.

§ 231.10 *Index of tariffs*—(a) *Tariff index must be published, posted and filed.* Each carrier which has five or more tariffs in effect shall publish, post and file under proper USMC No. an index of the tariffs of its own issue and also tariffs to which it is a party either, as an initial or delivering carrier. Each tariff shall be shown therein under a separate item number and with the following information in separate columns:

1. USMC number.
2. The name of the issuing carrier of each.
3. The character of the tariff or description of the traffic or commodities covered thereby.
4. The ports from, to, and between which the tariff applies.

(b) *Title page.* The title page of the index shall follow the requirements of § 231.4, except that it shall not bear an effective date, but shall bear a notation as follows: "This index contains a list of tariff publications in effect on date hereof", to which may be added "or which have been filed to become effective at a later date as shown within."

The rule requiring statutory notice does not apply to indexes.

(c) *Arrangement of index.* Freight tariffs shall be arranged in the index in the following order: Specific commodities tariffs; general commodities tariffs; class tariffs, and miscellaneous tariffs.

Specific commodities tariffs shall be arranged in alphabetical order of the commodities covered, general commodities tariffs shall be arranged in alphabetical order of the ports or territory from and to which they apply in either the "From" or "To" column; miscellaneous tariffs shall be arranged in alphabetical order of the descriptions, for example, classification, rules, and terminals.

Passenger tariffs when carried in a separate index shall be arranged in alphabetical order of the ports or territories from and to which they apply in either the "From" or "To" column. Miscellaneous tariffs applicable thereto shall be arranged in alphabetical order of their descriptions.

Passenger tariffs may be included in one index covering freight tariffs also. In such cases the passenger tariff section shall follow the freight tariff section and the index shall be given a USMC number in both freight and passenger series, and four copies thereof shall be filed with the Commission.

Passenger tariffs publishing round-trip excursion fares limited to a designated period of not more than thirty days need not be listed in the index. (See § 231.15.)

(d) *Change by supplement or reissue.* The index shall be revised to reflect changes resulting from supplements to or reissues of tariffs either by reissue of the index every three months or by supplement thereto every three months and reissue every twelve months. Tariff indices should not remain in effect longer than a period of one year. Supplements to indices may be issued without regard to the volume of supplemental matter permitted by § 231.11 (d), but no more than five supplements may be in effect at any time.

Supplements to indices must be numbered consecutively (see § 231.4) and



shall be arranged in the same general order as the index and shall show additions, changes and cancellations by reference to the page and item number of the entry changed or cancelled. Each new supplement shall bear on its title page the notation: "Supplements Nos. ---- and ---- contain changes in effect on date hereof", to which may be added "or which have been filed to become effective at a later date as shown within."

§ 231.11 *Amendments by supplements to tariffs*—(a) *Amendments by supplements*. A change in or addition to a tariff will be known as an amendment; and, excepting tariffs issued in loose-leaf form, shall be published in a supplement to or a reissue of the tariff and shall refer specifically to the page or item of such tariff or any supplement thereto which it amends.

(1) *Amendments in numbered items*. When an amendment is made in a numbered item or other unit such unit must be published in a supplement in its entirety as amended, except that where a numbered item or other unit can be understandingly amended by publication of only parts thereof, as lettered paragraphs or rules, sections or notice, for example, such amendment will be permitted, but all effective amendments to the same item or other unit must be shown in a single supplement. Changes of such numbered items or other units shall be under the same item or other unit number with a letter suffix and the original item or unit number will be cancelled, as for example, Item 10-A cancels Item 10; Item 10-B cancels 10-A and so on.

(2) *Arrangement in supplements*. The matter contained in each supplement shall be arranged in the same general order as in the tariff which it amends. (See § 231.5 (d).)

(b) *Participating carrier in supplements*. Every supplement shall contain either a list of carriers participating therein and authorities therefor, arranged as provided for in § 231.5 (b), or a statement that the participating carriers are "as shown in tariff" or "as shown in tariff amended as follows:", following which shall appear in alphabetical order the names of the carriers that have been added to or eliminated from the list of carriers shown in the original tariff, as amended, and in addition thereto any change in the name of any carrier and the form and number of any new power of attorney or concurrence applicable to any carrier participating therein. When a participating carrier is eliminated by a supplement, such supplement must also provide for the cancellation of the matter applying in connection with that carrier. Reissues of effective changes shall be indicated as required by paragraph (c) of this section.

(c) *Reissued matter*. Matter brought forward without change from one supplement to another shall be designated "Reissued" in distinctive type and shall show the original effective date, and the number of supplement from which it was reissued, as "Reissued from Supplement No. ----, effective ----, 19----."

(d) *Number of effective supplements and volume of supplemental matter*. Except as otherwise provided herein, the number of supplements and volume of supplemental matter permitted to tariffs shall be:

Size of tariffs	Number of supplements
Less than 5 pages.....	1
5 but not more than 16 pages.....	2
17 but not more than 32 pages.....	3
33 but not more than 100 pages.....	4
101 but not more than 200 pages.....	5
201 but not more than 300 pages.....	6
Over 300 pages.....	7

Supplemental matter will be permitted up to 50 per cent of the original tariff.

Title pages shall be counted in computing the volume of supplemental matter.

§ 231.12 *Cancellations*—(a) *Cancellation of tariff cancels supplements*. Cancellation of a tariff also cancels supplements thereto.

(b) *Cancellation of a tariff by another tariff*. If a tariff is cancelled by the issuance of a similar tariff to take its place, cancellation shall be made by notice printed in the new tariff as provided in § 231.4 (a).

(c) *Cancellation by supplement*. If a tariff is to be cancelled and the matter contained therein is not republished in another tariff or when through error or omission a later issue fails to cancel the previous issue, cancellation shall not be made under a new USMC number but shall be made by a supplement to the tariff (including a loose-leaf tariff) which it cancels. Such supplement may be issued without regard to the provisions of § 231.11 (d).

(d) *Partial cancellation*. If a tariff publication is to displace a part of another tariff which is in force at the time and which is not to be cancelled in full, it shall provide for the cancellation substantially as follows: "Cancels USMC-F (or -P) No. ---- to the extent shown in Supplement No. ---- thereto"; or "Cancels USMC-F (or -P) No. ---- to the extent shown in ---- revised page No. ---- thereof"; and such other tariff shall, effective on the same date, be amended correspondingly by reissue or supplement if tariff is in book or pamphlet form, or by revised page, if tariff is in loose-leaf form.

(e) *Cancellation of items*. When parts of a tariff publication (except tariff in loose-leaf form or classification) are designated as items, cancellation of any item by supplement must be under the same item number. See § 231.11 (a).

If an item or any part thereof is transferred to another item or different number in the same tariff, the cancellation must be carried under the original item number and must show in what item or items the effective rates, fares or charges are to be found. If an item is withdrawn in its entirety or expires by its own terms leaving no rates, fares, charges or provisions in effect in that item, the cancellation or expiration must be brought forward in subsequent supplements as a reissued item so long as the cancellation or expiration remains in force. An item once lawfully eliminated by cancellation or expiration may

be reinstated by republication under a new effective date, which must be under the same original item number with, however, the next appropriate letter suffix.

(f) *Cancellation shall refer to applicable rates or fares thereafter*. When tariff matter is to be cancelled the cancelling publication shall show where the future tariff matter will be found or what will thereafter apply, for example: "Rates or fares, charges or classifications, rules or regulations in USMC-F (or -P) No. ---- will apply", or "rates or fares in Item ---- will apply", or "class rates will apply", or "no rates or fares in effect." If the cancellation or omission affects changes in charges or services, that fact shall be indicated by the use of the uniform symbols prescribed by § 231.3.

(g) *Transfer of matter from carriers to Agent's publication and from Agent's to carrier's publication*. When a duly authorized agent provides matter in his publication which is to displace matter in his principal's publication the agent must cancel the matter in his principal's publication as per paragraphs (b), (c) and (d) of this section.

A carrier must not provide in its individual publications matter which is to displace that provided in a tariff of a duly authorized agent unless the carrier's publication is accompanied by a supplement issued by the agent cancelling from his publication the matter concerned, as paragraphs (c), (d), and (f) of this section.

§ 231.13 *Notice requirements and rejections*—(a) *Notice required*. Every tariff, supplement, or revised page, published, posted and filed shall bear an effective date, and except as otherwise provided for by rule, special permission, or order of the Commission, shall give the full statutory notice of thirty (30) days, the time to run from the date the tariff, supplement, or revised page is received by the Commission.

Date when telegraphic notice is received or when a tariff, supplement or revised page is mailed cannot be counted as the beginning of the notice period unless permission to publish and file on shorter notice is granted by the Commission pursuant to § 231.14. See § 231.4 for method of indicating effective date and special permission. A tariff publication issued on notice shorter than the statutory notice of thirty days must indicate the authority therefor.

(b) *Rejection of tariff publication*. Tariff publications received for filing too late to give the notice required by law or by any rule, special permission or order of the Commission, or which do not conform to regulations of the Commission may be rejected for filing and returned to the filing carrier or agent.

(c) When a tariff publication is rejected, it is void and its use shall be unlawful. The number which the rejected publication bears shall not again be used; and such publication shall not thereafter be referred to as cancelled or amended, but the publication that is issued in lieu thereof shall cancel or amend the publication which was to have been cancelled



or amended by the rejected issue and shall bear the notation:

Issued in lieu of USMC No. F (or P) ----  
or supplement No. ----, or revised page No.  
---- rejected by the United States Maritime  
Commission.

(d) *Acceptance of tariff not approval of legality for all purposes.* The fact that a tariff publication is on file with the Commission does not relieve carriers from responsibility for any violation of law or regulations of the Commission issued thereunder.

§ 231.14 *Special permission applications*—(a) *Application for short notice.* Applications for permission to publish tariff matter upon less than the 30 days' notice required by the act shall be in form substantially as follows; and shall be sworn to before a Notary Public.

#### APPLICATION FOR SPECIAL PERMISSION

Name of carrier -----  
Address -----

Date -----  
Application No. -----

U. S. MARITIME COMMISSION,  
Division of Regulation,  
Washington, D. C.

The -----, by -----  
(Name of carrier) (Name of officer)  
its -----, hereby petitions the  
(Title of officer)

United States Maritime Commission for permission to put in force the following rates (or fares, charges or provisions), to become effective ---- days after the filing thereof with the United States Maritime Commission.

(State fully here or in an accompanying exhibit the rates, or fares, charges, classifications, rules or regulations which it is desired to put into effect, the articles upon which they are to apply and the ports of origin and destination. When permission is sought to establish a rule or regulation the exact wording of the proposed rule or regulation shall be shown.)

Your petitioner further represents that the said rates (or fares, charges, classifications, rules or regulations) above mentioned will be published in USMC-F (or -P) No. ----, or in a consecutively numbered supplement to or revised page of USMC-F (or -P) No. ----, and will supersede and take the place of the rates (or fares, charges, classifications, rules or regulations) on like traffic from and to the ports above as set forth in tariff USMC-F (or -P) No. ---- (or supplement or revised page No. ----) on file with the Commission.

(Here state specifically or by reference in an accompanying exhibit the present rates (or fares, charges, classifications, rules or regulations), together with the USMC number of the tariff in which published and the effect of the proposed change.)

(Here state the names of competing carriers that publish rates (or fares, charges, classifications, rules or regulations), covered by the application, between the same or related points, the USMC numbers of the tariffs of such carriers, the date on which such carriers have been notified of the changes proposed by the application and a brief statement of their views respecting the proposal.)

(Here state the basis on which the proposed rates (or fares, charges, classifications, rules or regulations) are constructed.)

(Here state the relationship, if any, between the ports of origin and destination covered

by the application and other ports not covered hereby and relationship, if any, the rates (or fares, charges, classifications, rules, or regulations) covered hereby bear to rates (or fares, charges, classifications, rules or regulations) on commodities not covered hereby.)

And your petitioner further bases such request upon the following facts, which present special circumstances and conditions justifying the request herein made:

(State fully all circumstances and conditions which are relied upon as justifying the application; why the change was not established upon statutory notice, and any other facts which may aid the Commission in determining the question presented.)

(Name of carrier in full)

By: -----  
(Signature)

(Name and title)

Subscribed and sworn to before me this  
day of -----, 19--.

[SEAL] -----  
Notary Public

(b) *Applications for waiver of rules.* Applications for waiver of rules not involving publication on less than 30 days' notice need not be made on any specified form, but shall contain a list of the rules, waiver of which is sought, and the reasons therefor.

(c) *Number of copies of application, size and mailing.* Two copies of each application shall be filed, including exhibits attached thereto, on paper 8 x 10 1/2 inches in size, addressed to the Division of Regulation, United States Maritime Commission, Washington, D. C. Applications shall be numbered consecutively. Carriers or agents who have not filed such applications should commence with number 1, and others should continue their present series of numbers.

(d) *Filing and signing of applications.* Applications must be filed in the correct legal name of the carrier, whether an individual, partnership, or corporation, and must be filed by a duly authorized representative or in his name by an individual so authorized to sign under power of attorney as set forth in § 231.21.

When an application is filed by an agent the appropriate change should be made in the introductory paragraph to indicate that it is filed for and on behalf of all carriers participating in the tariff publication covered by the application and shall be signed by said Agent.

(e) *Requests for authority to make changes.* Requests for authority to make changes on short notice when a formal order of the Commission requires 30 days should not be made by special permission application, but should be filed as petitioned on the formal docket for modification of the order.

(f) *Reason for special permission.* Applications should contain full and explicit statements as to the emergency existing and the justification for the special permission. Clerical or typographical errors in rate tariffs constitute good cause, but applications must give a statement of the circumstances attending the error. A desire to meet the rates of a competing carrier which has given 30 days' notice of change will

not of itself be regarded as good cause for granting the special permission.

§ 231.15 *Round trip excursion fares.* Round trip excursion fares limited to a designated period of not more than thirty days may be established upon not less than 10 days' notice. Tariff circulars or revised pages filed under authority of this rule shall bear the notation:

Effective -----, 19--. Issued upon not less than 10 days' notice, authority of Rule 15, United States Maritime Commission's Tariff Circular No. 3.

Fares for an excursion limited to a designated period of more than 30 days will require statutory notice unless shorter time is allowed in special cases by special permission. See § 231.14.

The term "limited to a designated period" as used in this rule means the period between and including the date the transportation can first be used and the date upon which it expires.

Tariffs containing fares which include hotel accommodations, admission to entertainments, side trips, or other special services shall show such service and shall show separately the carrier(s) portion of such fare, which shall be alike to all, regardless of who uses such additional service.

§ 231.16 *Service to additional ports.* Section 2 of the Intercoastal Shipping Act, 1933, as amended, permits carriers to file schedules or changes which provide for extension of actual service to additional ports at rates or fares of said carriers already in effect for similar service at the nearest port of call to said additional ports, effective upon immediate notice to the Commission. A tariff, supplement or revised pages establishing such provisions shall bear an effective date which shall not be earlier than the date it is received by the Commission for filing and shall contain the following notation:

Effective -----, 19--. Issued upon authority of Section 2, Intercoastal Shipping Act, 1933, as amended, account extension to ----- (here show name of additional port) at rates or fares (or charges, classifications, rules or regulations) applicable from, to or at (as the case may be) ----- (here show name of nearest port from and to which similar service is maintained).

§ 231.17 *Extension of terminal facilities.* Carriers may publish and file schedules establishing, effective upon not less than three days' filing and posting in the manner required by law, additional terminal facilities for the loading and/or discharging of cargo at the rates currently applicable at other facilities in the same port or harbor for account of the carrier for which the additional facility is established.

Tariff publications filed under permission of this section shall bear the following notation:

Effective -----, 1947. Issued on not less than three days' notice under authority of Rule 17, United States Maritime Commission Tariff Circular No. 3.

§ 231.18 *Adoption of tariffs and other documents of predecessor carrier*—(a) *Adoption notice.* When the name of a carrier is changed, or when its operating



## PROPOSED RULE MAKING

control is transferred, or otherwise acquired, the carrier which will thereafter operate the properties shall file and post an adoption notice, numbered in its freight (and/or passenger) USMC tariff series reading as follows:

USMC-F (or -P) No. \_\_\_\_\_

(Name, also trade name, if any, of adopting carrier)

## ADOPTION NOTICE

The (name (also trade name if any) of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all freight (or passenger tariffs, rules, notices, concurrences) divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the United States Maritime Commission by, or heretofore adopted by, the \_\_\_\_\_ (name (also trade name, if any) of former carrier), prior to \_\_\_\_\_ (date change in name or operation occurred.)

Issued: \_\_\_\_\_ Effective: \_\_\_\_\_  
 Issued by: \_\_\_\_\_  
 By: \_\_\_\_\_

(b) *Supplements to former carrier's tariffs.* The new carrier shall also file immediately a consecutively numbered supplement or revised page to each of the tariffs of the former company covered by the adoption notice, reading as follows:

Effective \_\_\_\_\_ (here insert date shown in the adoption notice) this tariff, or as amended, became the tariff of the \_\_\_\_\_ (name of adopting carrier) as per its adoption notice USMC-F (or -P) No. \_\_\_\_\_

Supplements issued under authority of this section shall contain no other matter, shall bear reference to this section and may be issued without regard to the provisions of § 231.11 (d).

(1) *Later supplements to be filed by new carrier.* Supplements to such tariffs, subsequently filed by the adopting carrier, shall be given the next consecutive number to the number of the adoption supplement. New tariffs reissuing or succeeding the adopted publication shall be numbered in the U. S. M. C. series of the adopting carrier.

(2) *Cancelled old tariffs must be described.* When adopted tariffs are cancelled by new tariffs of the adopting carrier, the cancellation reference must describe the cancelled tariff by using the name of the former issuing carrier.

(c) *Supplements to tariffs filed by other carriers and agents.* Each tariff issued by other carriers or by agents in which the line absorbed, taken over, operated by another carrier, or whose name is changed, is named as a participating carrier, shall be amended, by eliminating the former carrier and by adding the adopting carrier as a participating carrier. Such change may be established on not less than one day's notice. The change covering such instances must bear the notation:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued on not less than one day's notice, authority of Rule 18 (c), United States Maritime Commission Tariff Circular No. 3.

The supplement or revised page shall also contain the following provision:

The \_\_\_\_\_ (name of adopting carrier) by its adoption notice U. S. M. C. No. \_\_\_\_\_, having taken over tariffs, etc. of the \_\_\_\_\_ (name of former carrier) the \_\_\_\_\_ (name of adopting carrier) is hereby substituted for the \_\_\_\_\_ (name of former carrier) wherever it appears in this tariff.

(d) *Receivership.* Similar adoption notices numbered consecutively in the USMC series of the carrier shall be filed by a receiver or trustee when he assumes possession and control of a carrier's lines. When the receivership or trusteeship is terminated, the carrier taking over the properties shall file an adoption notice and, if a change in the name of the carrier has been made, shall also file supplements as hereinabove prescribed.

(e) *Filing and effective date.* Notices of adoption should be filed with the Commission immediately and, if possible, on or before the effective date shown therein. Copies shall be sent to each agent or carrier to which power of attorney or concurrence has been given. The notice shall refer to this section and its effective date shall be the date (as shown in the body of the adoption notice) on which the change in name or operation occurs.

(f) *Concurrences and powers of attorney to be replaced.* Powers of attorney and concurrences adopted by a carrier or a receiver shall within 90 days be replaced and superseded by new concurrences and powers of attorney issued by and numbered in the series of the new carrier or receiver, except that if desired, the receiver may number concurrences and powers of attorney in the series of the former carrier. The cancellation reference to the former concurrence or power of attorney shall include the name of the former issuing carrier. Powers of attorney and concurrences which will not be replaced by new issues must be regularly invoked on the notice and in the manner prescribed in §§ 231.21 and 231.22.

(g) *Cancellation.* If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney should be regularly cancelled upon not less than 30 days' notice. The cancellation notice shall show that cancellation is made on account of discontinuance of operation.

(h) *Partial adoption.* When the operating control of only a part of a carrier's properties is transferred to another carrier, the carrier which will thereafter operate the properties must follow the procedure hereinbefore outlined making such changes in the notice as will specify the particular ports, routes or facilities covered and, if there is any overlapping of the transferred and the remaining service, the same should be explained in the notice.

The old carrier shall immediately file, under proper concurrence from the adopting carrier, a supplement or revised page to each of the tariffs, covered by the adoption notice, setting forth the extent to which the adoption applies to the tariff. The supplement or revised page shall contain no other matter and may be issued without regard to § 231.11 (d).

In such cases, the adopting carrier, as quickly as possible, shall transfer the

adopted rates, fares, charges, rules or regulations to its tariffs and the old carrier shall cancel the corresponding matter from its tariff, effective on the same date, with reference to the USMC-F (or -P) number of the adopting carrier for rates, fares, or charges applying thereafter.

§ 231.19 *Seasonal discontinuance and restoration of transportation service.* Tariffs naming all-water rates or fares applicable via routes closed to navigation during a part of the year may expire, or may be cancelled at the close of navigation and republished at the opening of navigation each year, or may provide for discontinuance and restoration of service in the manner prescribed in this section.

(a) *Title page notation.* The following notation shall appear on the title page of the tariff.

Transportation service via (here insert name of carrier) is subject to discontinuance at close of navigation and restoration upon opening of navigation as provided in Rule \_\_\_\_\_, page \_\_\_\_\_ of this tariff.

(b) *When definite period of service can be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation can be determined the following rule shall be published in the tariff under the heading "Application of Rates (or fares)":

Shipments (or passengers) will be accepted by this company (or by carriers parties to this tariff) during the period from \_\_\_\_\_ (here show earliest date upon which shipments (or passengers) will be accepted for transportation) to \_\_\_\_\_ (here show last date upon which shipments (or passengers) will be accepted for transportation, allowing sufficient time for vessel to reach destination before close of navigation) of each year.

No supplements will be issued to this tariff announcing the date of discontinuance or restoration of transportation service.

(c) *When definite period of service cannot be determined.* When definite dates for restoration and discontinuance of transportation service for each season of navigation cannot be determined, the following rule shall be published under the heading of "Application of Rates (or Fares)":

Shipments (or passengers) will be accepted by this company (or by carriers parties to this tariff) during the period each year from which restoration of transportation service is announced until discontinuance of transportation service is announced, by supplements to this tariff.

NOTE: When either the date of discontinuance or the date of restoration (but not both) of transportation service may be predetermined, the rule in paragraphs (b) and (c) of this section may be modified accordingly.

(d) *Supplements.* Supplements announcing discontinuance or restoration of transportation service under this section may be filed with the United States Maritime Commission, and posted at ports from which the rates (or fares) apply, upon not less than ten days' notice, and may be issued without regard to the volume and number of supplements permitted by § 231.11 (d). Only one such supplement may be in effect at any time.



It shall contain no other matter except that a supplement announcing discontinuance of service shall contain a statement that "service will be restored on \_\_\_\_\_ (date) unless restored by supplement at an earlier date."

(e) *Reissue or amendment of tariffs.* Tariffs containing all-water rates or fares subject to paragraph (c) of this section may be amended or reissued in the regular way at any time, but if made effective subsequent to the date of discontinuance of service shall contain a statement that "transportation service was discontinued on \_\_\_\_\_, as announced by Supplement No. \_\_\_\_ to USMC-F (or -P) No. \_\_\_\_ (former tariff) (or as announced by Supplement No. \_\_\_\_ to this tariff), that further supplement announcing discontinuance of service will not be filed, and that service will be restored on \_\_\_\_\_ (date) unless restored by supplement at an earlier date."

(f) *Shipments reaching port of transshipment too late for furtherance by water.* The tariff rule relating to discontinuance of service should contain provisions covering the handling of shipments which may arrive at carrier's port of embarkation after the date on which the service is discontinued.

§ 231.20 *Suspension of tariff publications*—(a) *Supplements announcing suspension.* When the Commission suspends a tariff, supplement or revised page wholly or in part, the carrier or agent who filed such publication shall immediately file a supplement, which must not bear an effective date, quoting the pertinent parts of the order of suspension which describes the publication or part or parts thereof suspended, and stating that the publication (or the part or parts thereof) specified in the order is (or are) under suspension and may not be used until the date named in the suspension order, and that the rates, fares, charges, classifications, rules, regulations or practices theretofore in effect and which were to be changed by the suspended publication, or part or parts thereof, shall remain in effect during the period of suspension. Such supplement shall state by USMC number the tariff, supplement or revised page where the matter continued in effect will be found. That part of the Commission's order which prohibits changes in the suspended matter and in the matter continued in effect by reason of the suspension shall be reproduced in the suspension supplement.

(b) *Suspended matter reissued.* When a supplement or revised page has been suspended in whole, or in part, and prior to the filing of the supplement announcing such suspension there is filed a later supplement or revised page which contains, as reissues, the matter suspended in the previous supplement or revised page, the suspension supplement required by paragraph (a) of this section shall also specifically cancel such reissued matter from the later supplement or revised page. The suspension supplement shall also amend the title page of said later supplement or the later revised page to indicate that cancellations of the previous suspended or revised page shall apply only to the portions thereof not under suspension.

(c) *Changes prohibited.* Suspended matter may not be changed or withdrawn or the effective date thereof be further deferred, except by order or special permission of the Commission; and no change may be made in matter which is continued in effect as a result of such suspension, except by order or special permission of the Commission.

(d) *Volume of supplemental matter waived.* When a tariff is suspended in its entirety the previous tariff and effective supplements or revised pages thereto are continued in effect and will remain in effect during the period of suspension or until lawfully cancelled or reissued. Supplements containing additions or changes in matter not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements may contain.

(e) *Reissue when suspended in part.* The effective matter in a tariff publication, which has been suspended in part, may be reissued during the period of suspension. When this is done the new tariff publication shall cancel the tariff publication which was suspended in part "except portions under suspension in Docket No. \_\_\_\_". (See paragraph (c) of this section.)

(f) *When suspension order is vacated.* When the Commission vacates an order of suspension as of a date earlier than the date to which the tariff publication is suspended, the carrier or agent who filed the tariff publication, which was suspended in whole, or in part, may file with the Commission, on not less than one day's notice, unless otherwise provided by the order, a supplement or revised page, stating the date upon which the tariff publication or any matter contained therein, will become effective. Unless such supplement or revised page is filed naming a date earlier than the date to which the tariff publication is suspended, the suspended matter will become effective on the date to which suspended.

When an order which suspended a tariff in its entirety is vacated, the vacating supplement or revised page filed under authority of this section, if made effective on or before the date to which the tariff is suspended, may also include as reissues, the changes or additions which have been lawfully established in supplements or revised pages to the former tariff. No other matter may be included in the vacating supplements.

(g) *Cancellation of suspended matter.* When the Commission orders the cancellation of a tariff publication or any matter therein, theretofore suspended by it the cancellation shall be effected by filing with the Commission, upon not less than one day's notice, unless otherwise provided by the order, a supplement or revised page stating the date upon which, in accordance with the Commission's order, such suspended matter is cancelled.

If the suspended matter is not cancelled on or before the date to which suspended, but is allowed to become effective, the matter which has continued in effect during the period of suspension will thereby be cancelled automatically

and it will then be necessary, when cancelling the suspended matter, to republish and reestablish the former matter.

(h) *Section 231.10 waived.* Suspension, vacating, and cancellation supplements issued under authority of this section will not be counted against the number of effective supplements or the volume of supplemental matter to which the tariff is entitled under § 231.11, but must list effective supplements as required by that rule. Every such supplement shall bear on its title page the notation:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued under authority of Rule 20 (h), Tariff Circular No. 3 and in compliance with order of the United States Maritime Commission, in Suspension Docket No. \_\_\_\_\_ of \_\_\_\_\_ (date).

This section is only applicable to carriers covered by the Intercoastal Shipping Act, 1933, as amended.

§ 231.21 *Power of attorney*—(a) *Carriers may confer authority upon agent by power of attorney.* A carrier may give authority to an individual as agent to issue and file tariffs, supplements thereto, and revised pages thereof, in its behalf, and when acting for it jointly with one or more carriers, to receive concurrences therein, by executing a power of attorney in the following form:

(See foot note.) MXFA (or MXPA) No. \_\_\_\_\_  
cancels MXFA (or MXPA) No. \_\_\_\_\_  
(Name of carrier) \_\_\_\_\_  
(Post office address) \_\_\_\_\_  
Date \_\_\_\_\_ 19\_\_\_\_

Know all men by these presents:  
That the \_\_\_\_\_ (name of carrier) has made, constituted, and appointed, and by these presents does make, constitute and appoint (name of agent), its true and lawful attorney and agent, for and in its name, place, and stead to file tariffs, and classifications, and supplements thereto and revised pages thereof, and when acting for it jointly with one or more carriers, to receive concurrences therein as required on common carriers by water in interstate commerce, by the Intercoastal Shipping Act, 1933, as amended, and by regulations established by the United States Maritime Commission pursuant to the provisions of said Act, for the period of time, the traffic, and the routes herein designated:

And the said \_\_\_\_\_ (name of carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act hereinabove specified as fully, and to all intent and purposes, as if the same were done and performed by the said company, hereby ratifying and confirming all that its attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

That the authority herein granted shall continue until cancelled or revoked.

In witness whereof the said \_\_\_\_\_ (name of carrier) has caused these presents to be signed in its name by its \_\_\_\_\_ President and to be duly attested under its corporate seal by its \_\_\_\_\_ Secretary, at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

By: \_\_\_\_\_  
(Name of carrier)

Attest: \_\_\_\_\_  
(Secretary)  
(Corporate seal if any)

Footnote: Use designations: "MXFA" for freight and "MXPA" for passenger powers of attorney.



## PROPOSED RULE MAKING

(1) *Form may be modified.* The form may be modified by the omission and/or addition of words to show the exact authority conferred.

(2) *Execution; serial number.* Powers of attorney shall be issued in the correct and complete name of the individual, firm or corporation, followed, if desired, by the trade name in parentheses. When issued by an individual or by a firm they shall be signed by the owner or owners and when issued by an incorporated company shall be signed by a duly authorized official thereof and attested by its secretary, under corporate seal. Powers of attorney filed by each carrier shall be numbered consecutively in the carrier's MXFA (or MXPA) series beginning with number 1. Separate series shall be maintained for freight and passenger issues.

(b) *Alternate agent.* A carrier may also grant authority to an individual as an alternate agent to file tariffs, supplements thereto or revised pages thereof, in the case of temporary or permanent absence of the agent. In such cases the power of attorney form shall contain a provision reading substantially as follows:

And further, that the \_\_\_\_\_ (name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate agent \_\_\_\_\_ (name of alternate agent) its true and lawful attorney and agent for said company, and in its name, place and stead, in case of temporary or permanent absence of the said agent \_\_\_\_\_ (name of agent) to do and perform the same acts and exercise the same authority, as hereinabove granted to \_\_\_\_\_ (name of agent), and does hereby ratify and confirm all that the said alternate attorney and agent may lawfully do by virtue of the authority hereby granted and does hereby assume full responsibility for the acts and neglects of said alternate attorney and agent.

A carrier engaged in a particular trade, as, for example, between U. S. ports and Alaska or Hawaii, may give authority to another carrier also engaged in that trade to publish in its behalf, its rates, fares, charges, classifications, rules and regulations, by executing a power of attorney in the form substantially as outlined herein.

A carrier to whom authority is given to publish the rates, fares, charges, classifications, rules and regulations of another carrier engaged in the same trade, shall show in its tariffs the name or names of the carriers operating in the same trade, for whose account the rates, fares, charges, classifications, rules and regulations are published as participating therein, and the symbols and numbers of the powers of attorney executed in favor of the issuing carrier in the trade as provided in § 231.3 (b).

(c) *Form of publication by alternate agent.* An alternate agent may act only during the temporary or permanent absence of the agent. Tariffs, supplements thereto, or revised pages thereof, filed by an alternate agent during the temporary absence of the agent, shall be published in the name of the agent, per the alternate agent in the following form:

Effective \_\_\_\_\_ 19\_\_\_\_ Issued by \_\_\_\_\_ Agent per \_\_\_\_\_

Tariffs, supplements thereto, or revised pages thereof shall be issued and filed in the name of the alternate agent, in cases of permanent absence of agent.

The term "temporary absence" means absence of the agent due to vacation, illness, or other cause.

The term "permanent absence" means absence of the agent caused by permanent disability, separation from the service or death.

An agent or an alternate agent to whom power is granted by power of attorney may not delegate such power of attorney to another.

In the event of separation, permanent disability or death of the principal agent a new power of attorney shall be filed within 90 days cancelling the effective power of attorney, and naming the principal and alternate thereafter to serve.

(d) *Cancellation.* A power of attorney may be revoked by revocation notice or cancelled by a new power of attorney. Revocation notice must bear an effective date, which must be not earlier than the date of receipt by the Commission for filing. A power of attorney, cancelling a previous issue, will become effective upon date of receipt by the Commission. A revocation notice shall not be given a serial number, but shall specify the symbol and number of the power of attorney to be revoked and the name of the agent and alternate agent in whose favor it was executed, and shall be executed in the same manner as the instrument to which it is directed. It shall be in the following form:

## REVOCATION NOTICE

\_\_\_\_\_  
(Name of carrier)

\_\_\_\_\_  
(Post office address)

Date \_\_\_\_\_ 19\_\_\_\_

Know all men by these presents:

Effective \_\_\_\_\_, 19\_\_\_\_, Power of Attorney MXFA (or MXPA) No. \_\_\_\_\_ issued by \_\_\_\_\_ (name of issuing carrier) in favor of \_\_\_\_\_ (here show names of agent and alternate agent in whose favor power of attorney was executed), is hereby cancelled and revoked.

\_\_\_\_\_  
(Name of carrier)

By \_\_\_\_\_

Its \_\_\_\_\_ President

\_\_\_\_\_  
Secretary

(Corporate seal if any)

Carriers should be careful to cancel all rates, fares, charges, rules and regulations which are no longer to remain in force and effect after a revocation of power of attorney, and to make sure that any agent or alternate agent replacing the agent and alternate agent whose powers of attorney were cancelled follows the procedure set forth in paragraph (g) of this section. An agent acting for more than one carrier and whose power as to one carrier has been revoked should amend his existing tariffs by eliminating the revoking carrier as a participant therein and by cancelling from such tariff any provisions applicable solely to the revoking carrier.

(e) *Size and number.* Powers of attorney and revocation notices directed thereto shall be issued in triplicate, 8 x 10½ inches in size. The original shall

be printed or typewritten on paper of good quality and shall be filed with the Commission; the duplicate shall be furnished to the agent in whose favor the instrument is executed; and the triplicate shall be retained by the issuing carrier.

(f) *Agent acting for two or more carriers.* If two or more carriers execute powers of attorney, designating the same agent and alternate agent, it will not be necessary for these carriers to exchange concurrences with each other as to the joint tariffs issued by that agent under that authority. The concurrence of every other carrier participating in any tariff, classification, or supplement filed by any such agent or alternate agent shall be on file with the Commission (or may accompany the tariff) as provided in § 231.22 (g).

(g) *Effective date and filing of powers of attorney.* Powers of attorney will become effective upon the date of receipt by the Commission. An agent may collect the originals of his powers of attorney and concurrences and file them with the Commission at one time in lieu of the carriers filing them individually with the Commission, as provided herein.

(h) *Appointment of new agent.* When a new agent is appointed, or when an alternate agent in the case of permanent absence of the agent, assumes the duties of the agent, the new agent, upon receipt of necessary authority, or the alternate agent, in the case of permanent absence of the agent, shall amend immediately each of the effective tariffs issued by the agent superseded, effective on one day's notice, showing such change and containing a statement reading substantially as follows:

On and after \_\_\_\_\_ (here show date), this publication shall be the issue of \_\_\_\_\_ (here show name of new agent or alternate agent acting as such).

Amendments filed pursuant to this paragraph must bear the notation: "Issued on not less than one day's notice, authority of Rule 21 (h) of Tariff Circular No. 3."

§ 231.22 *Concurrence in tariffs.* Concurrence in a tariff filed by a carrier or by an agent for one or more carriers may be given in the following forms. (Concurrences shall be numbered consecutively in each series beginning with No. 1 and separate series shall be maintained for freight and passenger concurrences):

(a) *Concurrence in tariffs filed by a carrier.* The following form shall be used in giving concurrence in tariffs issued and filed by another carrier:

MXF-No. \_\_\_\_\_ (or MXP-1 No. \_\_\_\_\_)

Cancels MXF-No. \_\_\_\_\_ (or MXP-1 No. \_\_\_\_\_)

\_\_\_\_\_  
(Name of carrier)

\_\_\_\_\_  
(General Freight (or Passenger) Department)

\_\_\_\_\_  
(Post office address)

Date \_\_\_\_\_ 19\_\_\_\_

To the United States Maritime Commission,  
Division of Regulation,  
Washington, D. C.

This is to certify that the \_\_\_\_\_ (name of carrier) assents to and concurs in the publication and filing of freight (or pas-



sender) tariff publications as defined below, which the \_\_\_\_\_ (name of carrier) may publish and file, and hereby makes itself a party thereto and bound thereby until this authority is revoked by a new certificate of concurrence, or by notice of revocation filed with the United States Maritime Commission and sent to the carrier to which this concurrence is given:

Any freight (or passenger) tariff, supplements thereto, or revised pages thereof, and successive issues thereof, published and filed by \_\_\_\_\_ (name of carrier) insofar as such publication contains freight rates (or fares), charges, rules and/or regulations on \_\_\_\_\_ or between \_\_\_\_\_ and \_\_\_\_\_; or from \_\_\_\_\_ to \_\_\_\_\_; or at \_\_\_\_\_ or from, to, or via the line of the \_\_\_\_\_ (name of carrier).

By \_\_\_\_\_ (Title)

(See also paragraph (c) of this section.)

(b) *Concurrence in tariffs filed by an agent.* The following form shall be used in giving concurrence in tariffs issued and filed by an agent acting for one or more carriers:

MXF-2 No. \_\_\_\_\_ (or MXP-2 No. \_\_\_\_\_)  
Cancels MXF-2 No. \_\_\_\_\_ (or MXP-2 No. \_\_\_\_\_)

(Name of carrier)

(General Freight (or Passenger) Department)

(Post office address)

Date \_\_\_\_\_ 19\_\_

To the United States Maritime Commission,  
Division of Regulation,  
Washington, D. C.

This is to certify that the \_\_\_\_\_ (name of carrier) assents to and concurs in the freight (or passenger) tariff publications defined below, which the carriers for which \_\_\_\_\_ (name of principal agent) or \_\_\_\_\_ (name of alternate agent) may act under power of attorney filed with the United States Maritime Commission, may publish and file through either of said agents, and in which it is named as a participating carrier, and hereby makes itself a party to and bound thereby, until this authority is revoked by a new certificate of concurrence or by notice of revocation filed with the United States Maritime Commission and sent to the carriers to which this concurrence is given, or to their agents named herein:

Any freight (or passenger) tariff, supplements thereto, or revised pages thereof, and successive issues thereof, published and filed through either of said agents insofar as such publication contains freight rates (or fares), charges, rules or regulations on \_\_\_\_\_ and \_\_\_\_\_; or between \_\_\_\_\_ to \_\_\_\_\_; or at \_\_\_\_\_; or from, to or via the line of the \_\_\_\_\_ (name of carrier).

(Name of carrier)

By \_\_\_\_\_ (Title)

(See also paragraph (c) of this section.)

(c) *Concurrence in specified tariff.* Where a carrier desires to express concurrence in a single tariff filed by a carrier or by an agent acting for one or more carriers, the following may be substituted for the second paragraph of the form in paragraph (a) or (b), as the case may be, of this section.

Title and number \_\_\_\_\_  
(here give brief description of the tariff publication including number and name of

series) supplements thereto or revised pages thereof, and successive issues thereof, issued by \_\_\_\_\_ (name of carrier or agent). Date of issue \_\_\_\_\_ 19\_\_

Effective \_\_\_\_\_ 19\_\_

(Name of carrier)

(Title)

The granting of authority to issue tariffs under powers of attorney or concurrences shall not relieve the carrier conferring such authority from the necessity of complying with the foregoing requirements governing the posting and filing of tariffs, but such carrier may use for that purpose tariffs so issued under such authority.

Concurrences shall be issued in the correct and complete name of individual, firm or corporation, followed, if desired, by the trade name in parentheses.

(d) *Cancellation or revocation of concurrences.* A concurrence may be revoked by a revocation notice or cancelled by a new concurrence. A revocation notice must bear an effective date, which which must be not less than 30 days after its receipt by the Commission for filing. A new concurrence need not bear an effective date and will become effective upon date of receipt by the Commission. A revocation notice shall not be given a serial number but shall specify the form and number of the concurrence to be revoked and the name of the carrier or agent in whose favor issued. It shall be in the following form:

#### REVOCATION NOTICE

(Name of carrier)

(General Freight (or Passenger) Department)

(Post office address)

Date \_\_\_\_\_ 19\_\_

To United States Maritime Commission,  
Division of Regulation,  
Washington, D. C.

Effective \_\_\_\_\_ 19\_\_, concurrence form MXF-1 No. \_\_\_\_\_ (or MXP-1 No. \_\_\_\_\_), MXF-2 No. \_\_\_\_\_ (or MXP-2 No. \_\_\_\_\_) issued by \_\_\_\_\_ (name of carrier) in favor of \_\_\_\_\_ (here show name of carrier or names of principal and alternate agents in whose favor concurrence was issued) is hereby cancelled and revoked.

(Name of carrier)  
(Title)

Duplicate mailed to \_\_\_\_\_  
(name or title of officers)  
(name of carrier or agent or principal agent)  
(address).

When a concurrence is revoked necessary revision in tariffs shall be made by cancelling the rates (or fares), charges, rules or regulations which were issued under authority therefor, effective upon statutory notice not later than the date revocation will become effective.

(e) *Replacement of concurrence forms for new agent.* When one agent and alternate agent is to be succeeded by another agent and alternate agent, concurrence forms must be replaced by new forms, naming the agent and alternate agent thereafter to serve. Such new forms cancelling the former issues will become effective upon the date of receipt by the Commission and may be filed by each carrier; or the new agent may collect the originals of his powers of attor-

ney and concurrences and file all of them with the Commission at one time.

(f) *Form of concurrences and revocation notices.* Concurrences and revocation notices directed thereto shall be issued in triplicate, 8 x 10½ inches in size. The original shall be printed or typewritten on paper of good quality, and shall be filed with the Commission; the duplicate shall be furnished to the agent or carrier named therein; and the triplicate shall be retained by the issuing carrier. The Post Office address of the issuing officer and the date of issue shall be shown preceding the body of the form. The MXF-1 (or MXF-2) or MXP-1 (or MXP-2) form and a number of a concurrence shall be shown in the upper right-hand corner and immediately thereunder the MXF-1 (or MXF-2) or MXP-1 (or MXP-2) form and number of the concurrence cancelled thereby.

A change in a tariff is effective only when the tariff as filed and posted is changed. If therefore a carrier revoking a concurrence neglects to change its tariffs as herein provided it shall be liable to other carriers for any difference in charges accruing under the tariff as it is and as it would have been if corrected in accordance with the revocation of concurrence.

§ 231.23 *Letters of transmittal.* All tariffs, supplements thereto and revised pages thereof filed with the Commission shall be accompanied by a letter of transmittal consisting of one sheet, 8 x 10½ inches in size, in form substantially as follows:

(Name of carrier or agent in full)

(General Freight or Passenger Department)

(Post office address)

Transmittal No. \_\_\_\_\_  
To the Division of Regulation  
United States Maritime Commission  
Washington, D. C.

Accompanying schedule is sent you for filing in compliance with the requirements of the Shipping Act, 1916, as amended, issued by \_\_\_\_\_ (name of carrier or agent) and bearing USMC-F (or -P) No. \_\_\_\_\_; Supplement No. \_\_\_\_\_ to USMC-F (or -P) No. \_\_\_\_\_; Revised Page No. \_\_\_\_\_; and is concurred in by all carriers named therein as participants under continuing concurrences or powers of attorney now on file with the United States Maritime Commission, except the following named carriers whose concurrences (and/or powers of attorney) are attached thereto.

(Signature)  
(Title)

A separate letter may accompany each publication or the form may be modified to provide for filing as many publications as can conveniently be entered upon one letter. Separate letters shall be used for freight and passenger tariffs. If receipt is desired the letter of transmittal should be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

[F. R. Doc. 47-8991; Filed, Oct. 3, 1947;  
8:45 a. m.]



## NOTICES

## TREASURY DEPARTMENT

## Bureau of Customs

[T. D. 51761]

STANDARD OIL CO. OF NEW JERSEY AND  
STANDARD OIL CO.REGISTRATION OF HOUSE FLAG AND FUNNEL  
MARK

SEPTEMBER 30, 1947.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (46 U. S. C. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875), and in accordance with section 3.81 (a) of the Customs Regulations of 1943 (19 C. F. R. 3.81 (a)); has re-registered the house flag and funnel mark of the Standard Oil Company of New Jersey, a Delaware corporation, originally registered by the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, on September 24, 1937, in the name of the Standard Oil Company of New Jersey, a Delaware corporation, and in the name of the Standard Oil Company, a New Jersey corporation.

[SEAL] FRANK DOW,  
Acting Commissioner of Customs.

[F. R. Doc. 47-8990; Filed, Oct. 3, 1947;  
8:56 a. m.]

FEDERAL COMMUNICATIONS  
COMMISSION

[Designation Order 14]

DESIGNATION OF MOTIONS COMMISSIONER,  
OCTOBER, 1947

At a session of the Federal Communications Commission held at its office in Washington, D. C. on the 25th day of September 1947;

*It is ordered*, Pursuant to § 1.111 of the Commission's rules and regulations, that Rosel H. Hyde, Commissioner, be and he is hereby designated as Motions Commissioner for the month of October, 1947.

*It is further ordered*, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8966; Filed, Oct. 3, 1947;  
8:46 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN STANDARD  
BROADCAST BAND

## ORDER CONTINUING HEARING

*It is ordered*, On the Commission's own motion, that the hearing in the above-

entitled matter be continued until October 20, 1947, at 10:00 a. m.

Dated: September 23, 1947.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8971; Filed, Oct. 3, 1947;  
8:47 a. m.]

[Docket Nos. 6884, 7115, 7851, 7852]

PATRIOT CO. ET AL.

## ORDER CONTINUING HEARING

In re applications of the Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091; WHP, Incorporated (WHP), Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARM), Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr., Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; for construction permits.

The Commission having under consideration a petition filed September 11, 1947, by the Patriot Company, Harrisburg, Pennsylvania, requesting a 7-day continuance in the hearing upon the above-entitled applications, which is presently scheduled for September 25, 1947, at Washington, D. C.;

*It is ordered*, This 19th day of September, 1947, that the instant petition be, and it is hereby, granted; and the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Thursday, October 2, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8967; Filed, Oct. 3, 1947;  
8:46 a. m.]

[Docket No. 6987]

PORT HURON BROADCASTING CO.

## ORDER CONTINUING HEARING

In re application of Port Huron Broadcasting Company (WHLS), Port Huron, Michigan, Docket No. 6987, File No. BR-976; for renewal of license.

The Commission having scheduled a hearing upon the above-entitled application for 10 o'clock a. m., Thursday, September 25, 1947, at Washington, D. C.; and

It appearing, that public interest, convenience and necessity will be served by a continuance of said hearing; and that the applicant consents to such continuance;

*It is ordered*, This 19th day of September 1947, on the Commission's own motion, that the said hearing upon the above-entitled application be, and it is hereby, continued to 10 o'clock a. m.,

Monday, November 24, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8970; Filed, Oct. 3, 1947;  
8:47 a. m.]

[Docket Nos. 7094, 7412, 8465]

MACKAY RADIO AND TELEGRAPH CO., INC.,  
ET AL.

## ORDER POSTPONING HEARING

In the matter of radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points, Docket No. 7094; in the matter of applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, United States-Liberia Radio Corporation, Press Wireless, Inc., Docket No. 7412; for modification of license for authority to communicate with British Commonwealth and certain other foreign points; and in the matter of Mackay Radio and Telegraph Company, Docket No. 8465, File Nos. T1-SA-680, T1-SA-658, T1-SA-659, T1-SA-657; Applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam, and The Hague, Netherlands.

It appearing, that the Commission will not be able to hear oral arguments in the above proceedings on October 1, 1947, the date presently scheduled therefor;

*It is ordered*, This 23d day of September 1947, that the oral arguments now scheduled in the above proceedings for October 1, 1947, are postponed to October 7, 1947, at the same time and place as heretofore designated.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8972; Filed, Oct. 3, 1947;  
8:47 a. m.]

[Docket No. 7848]

COMMUNITY BROADCASTING CO.

## ORDER CONTINUING HEARING

In re application of Community Broadcasting Company, Fort Worth, Texas, Docket No. 7848, File No. BP-5182, for construction permit.

The Commission having under consideration a petition filed September 16, 1947, by Community Broadcasting Company, Fort Worth, Texas requesting a continuance in the hearing presently scheduled for September 22, 1947 at Washington, D. C. upon the above-entitled application for construction permit;

*It is ordered*, This 19th day of September 1947, that the instant petition be, and it is hereby, granted; and the said hearing upon the above-entitled application



be, and it is hereby, continued to 10:00 o'clock a. m., Wednesday, October 29, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8968; Filed, Oct. 3, 1947;  
8:46 a. m.]

[Docket No. 8487]

SHARING OF TELEVISION CHANNELS AND ASSIGNMENT OF FREQUENCIES TO TELEVISION AND NON-GOVERNMENT FIXED AND MOBILE SERVICES

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of September 1947;

The Commission, having under consideration requests for hearing and oral argument filed in the above-entitled matter by interested persons;

It is ordered, That a hearing and oral argument be held in the above-entitled matter before the Commission en banc beginning 10 a. m. October 13, 1947;

It is further ordered, That with respect to the band 44 to 50 mc evidence and argument should be restricted to the question as to which category of radio service (e. g. television broadcasting or fixed and mobile) should be assigned to this band of frequencies, and that no evidence or argument will be received at this time concerning the specific number of channels which should be assigned in this band to particular radio services (e. g. police, fire, power utility, transit utility, provisional, experimental, forestry conservation, highway maintenance, special emergency).

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8973; Filed, Oct. 3, 1947;  
8:47 a. m.]

[Docket Nos. 8489, 8490]

INDEPENDENT BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Independent Broadcasting Company, Inc., Knoxville, Tennessee (WIBK), File No. BPR-1146, Docket No. 8489, For FM construction permit; File No. BL-2550, Docket No. 8490, For AM broadcast license.

The Commission having under consideration a petition filed September 19, 1947, by Independent Broadcasting Company, Inc. (WIBK), Knoxville, Tennessee, requesting a continuance in the hearing presently scheduled for September 25, 1947, at Washington, D. C., upon its above-entitled applications.

It is ordered, This 22d day of September 1947, that the instant petition be, and it is hereby, granted, and the said

No. 195—4

consolidated hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, October 20, 1947, at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8969; Filed, Oct. 3, 1947;  
8:46 a. m.]

ANNUAL REPORT TO BE FILED BY LICENSEES OF BROADCAST STATIONS

SHORTENED REPORT FORM FOR SMALL BROADCAST STATIONS

The Commission today announced the adoption,<sup>1</sup> effective October 6, 1947, of revisions in the schedule, "Employees and Their Compensation", which is required to be filed annually by all broadcast stations and networks. The primary purpose of the present revision is to simplify reporting by the smaller broadcast stations (those with fewer than 15 employees) through permitting them to file employee and wage data on a new short form. This new schedule is especially designed to serve the dual purposes of reducing the reporting burden of small stations, and reflecting the low degree of job specialization at such stations, which typically employ multiple-duty or "combination" employees. It is expected that between one-third and one-half of all broadcast stations will be eligible to file the short schedule.

Larger stations and networks will continue to supply substantially the same information as currently, though in a simplified form.

The Commission feels that these revisions will complete its task, undertaken a year ago, of securing representative and reasonably complete data on the number, types and compensation of broadcast station employees. Such data are not available outside the Commission, and they have proved to be of substantial value not only to the Commission but also to present and prospective station operators and employees, and various public and private individuals and organizations interested in the radio industry. Returns filed on the new schedule will be completed and tabulations from them are expected to be available for public use shortly after the first of the year.

Adopted: September 19, 1947.

Released: September 29, 1947.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-8992; Filed, Oct. 3, 1947;  
8:46 a. m.]

<sup>1</sup> See F. R. Doc. 47-8986, Title 47, Chapter I, Part 1, *supra*.

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 1, 1947.

In the matter of City of Detroit, Michigan, and County of Wayne, Michigan v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation; Docket No. G-200. In the matter of Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation and Illinois Natural Gas Company; Docket No. G-207.

Notice is hereby given that the hearing in the above-entitled matter which was scheduled to be held at 10 a. m. on October 7, 1947, at 1800 Pennsylvania Avenue NW., Washington, D. C., has been postponed to October 16, 1947, at the same time and place.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8957; Filed, Oct. 3, 1947;  
8:57 a. m.]

[Docket No. G-763]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 1, 1947.

Notice is hereby given that, on October 1, 1947, the Federal Power Commission issued its order entered September 29, 1947, modifying order issuing certificate of public convenience and necessity, in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8958; Filed, Oct. 3, 1947;  
8:57 a. m.]

[Docket No. G-902]

NORTHERN INDIANA PUBLIC SERVICE CO.

NOTICE OF FINDINGS AND ORDER PERMITTING AND APPROVING ABANDONMENT OF FACILITIES

OCTOBER 1, 1947.

Notice is hereby given that, on October 1, 1947, the Federal Power Commission issued its findings and order entered September 29, 1947, permitting and approving abandonment of facilities, in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8961; Filed, Oct. 3, 1947;  
8:57 a. m.]

[Docket No. G-903]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 1, 1947.

Notice is hereby given that, on September 30, 1947, the Federal Power Com-



mission issued its findings and order entered September 29, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8959; Filed, Oct. 3, 1947;  
8:57 a. m.]

[Docket No. G-922]

LOUISIANA-NEVADA TRANSIT CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 1, 1947.

Notice is hereby given that, on September 30, 1947, the Federal Power Commission issued its findings and order entered September 29, 1947, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8960; Filed, Oct. 3, 1947;  
8:57 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

OCTOBER 1, 1947.

Notice is hereby given that, on September 30, 1947, the Federal Power Commission issued its order entered September 29, 1947, authorizing amendment of license (major), in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-8962; Filed, Oct. 3, 1947;  
8:57 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1005]

SEARS, ROEBUCK AND CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 29th day of September A. D. 1947.

The St. Louis Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, Without Par Value, of Sears, Roebuck and Company, a security listed and registered on the Chicago Stock Exchange, Los Angeles Stock Exchange, New York Stock Exchange, and San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges.

The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to October 29, 1947 the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-8954; Filed, Oct. 3, 1947;  
8:56 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of September A. D. 1947.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary Companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

The Commission by order dated September 6, 1946, having approved Plan II-A filed by Electric Bond and Share Company ("Bond and Share") under section 11 (e) of the Public Utility Holding Company Act of 1935, said plan providing, among other things, that Bond and Share dispose of all of its holdings of the common stocks of American Gas and Electric Company ("American Gas"), Pennsylvania Power & Light Company ("Pennsylvania"), Carolina Power & Light Company ("Carolina"), and Birmingham Electric Company ("Birmingham"), not later than October 6, 1947 unless such time be extended by the Commission;

Notice is hereby given that Bond and Share has filed an application requesting that the Commission extend for a period of six months from October 6, 1947, the time within which Bond and Share must dispose of its remaining holdings of the common stocks of American Gas, Carolina and Birmingham.

The application states that since the effective date of Plan II-A (March 6, 1947), Bond and Share has disposed of all of its holdings of the common stock of Pennsylvania and a substantial portion of its holdings of the common stock of American Gas and has obtained approval of the Commission with respect to the sale of the common stock of Caro-

lina. It is the opinion of the management of Bond and Share that, in order to protect the interest of its stockholders, an additional period of six months is required to effectuate the sale of its remaining holdings of the common stock of American and its holdings of the common stocks of Carolina and Birmingham. In addition the management is of the further opinion that it would be inadvisable to sell the common stocks of Carolina and Birmingham, simultaneously and that it is desirable to proceed with the sale of the Carolina stock as the first step.

Any interested person may not later than October 6, 1947, at 5:30 p. m., e. s. t., request the Commission that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after 5:30 p. m., October 6, 1947, the Commission may take such action as it deems appropriate with respect to Bond and Share's application.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-8950; Filed, Oct. 3, 1947;  
8:55 a. m.]

[File No. 70-1604]

PITTSBURGH RAILWAYS CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of September 1947.

In the matter of W. D. George and Thomas Fitzgerald, trustees of Pittsburgh Railways Company, debtor, File No. 70-1604.

W. D. George and Thomas Fitzgerald, Trustees of Pittsburgh Railways Company, Debtor ("Trustees"), a subsidiary of Philadelphia Company, a registered holding company, which in turn is a subsidiary of Standard Gas and Electric Company, also a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder for an exemption from the provisions of section 7 and Rule U-50, with respect to the issuance and sale to five commercial banks, under a Car Trust Indenture of Pittsburgh Railways Company Reorganization Trusts Car Trust Bonds, Series of 1947, in an aggregate principal amount ranging from \$1,897,000 to \$2,250,000 dated October 1, 1947, at par plus accrued interest to date of delivery, and maturing in semi-annual installments over a period of 8 years from the date thereof, bearing interest at rates varying with the maturity period of the bonds and ranging from



1½% to 3% per annum and averaging approximately 2.45% per annum;

A public hearing having been held, after appropriate notice, with respect to said application, and the Commission having considered the record made and having filed its Memorandum Opinion herein;

It is therefore ordered, Pursuant to section 6 (b) and other applicable sections of the act and rules promulgated thereunder, that the application for exemption of the transaction therein described be and the same is hereby granted forthwith, subject to the terms and conditions prescribed by the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-8953; Filed, Oct. 3, 1947;  
8:56 a. m.]

[File Nos. 70-1628, 70-1629, 70-1632,  
70-1636—70-1640]

MALDEN ELECTRIC CO. ET AL.  
NOTICE OF FILING AND ORDER OF  
CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 30th day of September A. D. 1947.

In the matter of Malden Electric Company, File No. 70-1628; Suburban Gas and Electric Company, File No. 70-1629; Lawrence Gas and Electric Company, File No. 70-1632; Eastern Massachusetts Electric Company, File No. 70-1636; Haverhill Electric Company, File No. 70-1637; Gloucester Electric Company, File No. 70-1638; Beverly Gas and Electric Company, File No. 70-1639; Salem Electric Lighting Company, File No. 70-1640.

Malden Electric Company, Suburban Gas and Electric Company, Lawrence Gas and Electric Company, Eastern Massachusetts Electric Company, Haverhill Electric Company, Gloucester Electric Company, Beverly Gas and Electric Company and Salem Electric Lighting Company, all subsidiaries of New England Electric System, a registered holding company, having each filed a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance and sale of unsecured promissory notes to banks; and

It appearing to the Commission that the foregoing matters under File Nos. 70-1628, 70-1629, 70-1632, 70-1636, 70-1637, 70-1638, 70-1639 and 70-1640 involve common questions of law and that substantial savings of time and expense will be achieved if such matters are consolidated, and it further appearing appropriate to the Commission that a notice of filing of said declarations and the consolidation of these proceedings be issued pursuant to Rule U-23;

It is ordered, That the proceedings upon the declarations filed by Malden Electric Company (File No. 70-1628), Suburban Gas and Electric Company (File No. 70-1629), Lawrence Gas and Electric Company (File No. 70-1632), Eastern Massachusetts Electric Company (File

No. 70-1636), Haverhill Electric Company (File No. 70-1637), Gloucester Electric Company (File No. 70-1638), Beverly Gas and Electric Company (File No. 70-1639), and Salem Electric Lighting Company (File No. 70-1640) be, and the same are hereby consolidated, without prejudice, however, to the right of the Commission to separate, either for hearing if one is held, in whole or in part, or for disposition, in whole or in part, any of the matters which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

Notice is hereby given that any interested person may, not later than October 16, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters stating the nature of his request, the reasons for such request, and the issues, if any, of fact or law raised by the said declarations or the particular declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declarations which are on file in the offices of this Commission for a statement of the transactions which are summarized below:

Declarants propose the issuance and sale to a bank or banks from time to time, of unsecured promissory notes, maturing not later than one year after issuance and bearing interest at a rate not in excess of 1¼% per annum, in the following aggregate principal amounts:

Malden Electric Co.....	\$250,000
Suburban Gas & Electric Co.....	400,000
Lawrence Gas & Electric Co.....	750,000
Eastern Massachusetts Electric Co.....	625,000
Haverhill Electric Co.....	500,000
Gloucester Electric Co.....	250,000
Beverly Gas & Electric Co.....	275,000
Salem Electric Lighting Co.....	250,000

The proceeds from the sale of these notes will be used by declarants for construction costs already incurred and for reimbursement of the treasury and for construction costs which it is estimated will be incurred prior to June 30, 1948.

It is represented by declarants that no state commission, or other Federal commission, has jurisdiction over the proposed transactions.

Declarants have requested that the Commission's order permitting the declarations to become effective be issued within 30 days after filing thereof and that said order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-8952; Filed, Oct. 3, 1947;  
8:56 a. m.]

[File No. 70-1631]

NORTH AMERICAN CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 29th day of September 1947.

The North American Company ("North American"), a registered holding company, having filed an application and a declaration pursuant to sections 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") regarding the following transactions:

North American proposes to surrender to Washington Railway and Electric Company ("Washington Railway"), a registered holding company and a subsidiary of North American, its holdings of common stock of Washington Railway (an aggregate of 51,827<sup>3</sup>/<sub>40</sub> shares), represented by 50,197 shares of such stock and 65,233 Participating Units of Beneficial Ownership of Deposited Shares of such stock, and to receive in exchange for such shares of stock so surrendered an aggregate of 2,073,113 shares of common stock of Potomac Electric Power Company ("Pepco"), a subsidiary of Washington Railway.

North American represents that the proposed transactions are essential steps required in the consummation of the Amended Plan of Washington Railway filed pursuant to section 11 (e) of the act and approved by order of this Commission dated May 15, 1947 and approved by order of the District Court of the United States for the District of Columbia on June 16, 1947.

North American represents that it will dispose of the shares of common stock of Pepco so acquired from Washington Railway in accordance with the program for divestment of such stock adopted by North American and set forth in its letter to the Commission dated June 3, 1947 (File No. 70-1517). Such program calls for the prompt distribution by North American to its stockholders of its interest in such stock to a point where it will retain less than 10% of such stock, as soon as practicable after court approval of the Amended Plan of Washington Railway and after the carrying out of the steps necessary to make effective said plan. North American represents that the retained interest in such stock will be disposed of within one year from June 4, 1947.

The application-declaration having been filed on September 18, 1947 and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

North American having requested that the Commission issue its order herein prior to October 1, 1947, the proposed effective date of said Amended Plan of Washington Railway; and

It appearing to the Commission that the proposed transactions are essential and appropriate steps in furtherance of and in compliance with the provisions



of the said plan filed by Washington Railway pursuant to section 11 (e) of the act and approved by order of this Commission dated May 15, 1947; and

The Commission finding that the requirements of sections 9, 10 and 12 (f) of the act and Rules U-42 and U-44 thereunder are satisfied and that no adverse findings are necessary thereunder, and that action on the application-declaration should be accelerated; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit said declaration to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application and said declaration be, and the same are hereby, respectively, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-8951; Filed, Oct. 3, 1947;  
8:55 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9805]

FRANK BLUHM

In re: Estate of Frank Bluhm, deceased. File No. 017-22130.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Bluhm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of

Frank Bluhm, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country, (Germany);

3. That such property is in the process of administration by Augusta Bluhm, as Administratrix, C. T. A., acting under the judicial supervision of the Surrogate's Court of Monroe County, State of New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-8980; Filed, Oct. 3, 1947;  
8:45 a. m.]

[Return Order 40]

GEORGES JOSEPH CHRISTIAN SIMENON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Georges Joseph Christian Simenon; Claim No. 4384.	(12 F. R. 5000) July 26, 1947.	Property described in Vesting Order No. 3430 (9 F. R. 6404, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating but not limited to the literary works "The Patience of Maigret", "Maigret Travels South", "Maigret Abroad", "Maigret to the Rescue", "Maigret Keeps a Rendezvous", "Maigret Sits it Out", "Maigret and M. Labbe", and "Tropic Moon", to the extent owned by claimant immediately prior to the vesting thereof, including royalties in the amount of \$8,483.79.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-8985; Filed, Oct. 3, 1947;  
8:46 a. m.]

[Vesting Order 9763]

MATHILDE STIND LANGMAACK AND ELISE STIND MATHIESEN

In re: Stock owned by Mathilde Stind Langmaack and Elise Stind Mathiesen, F-28-12933-A-1, F-28-12933-D-1, F-28-13064-A-1, F-28-13064-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Stind Langmaack and Elise Stind Mathiesen, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Twelve thousand, five hundred (12,500) shares of \$1.00 par value Class A, capital stock of The Charles Nelson Co., 244 California Street, San Francisco 11, California, evidenced by Certificates Numbered 51 for eleven thousand, two hundred and fifty (11,250) shares and 115 for one thousand, two hundred and fifty (1,250) shares, registered in the name of C. M. Treacy, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mathilde Stind Langmaack, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Twelve thousand, five hundred (12,500) shares of \$1.00 par value Class A, capital stock of The Charles Nelson Co., 244 California Street, San Francisco 11, California, evidenced by Certificates Numbered 52 for eleven thousand, two hundred and fifty (11,250) shares and 116 for one thousand, two hundred and fifty (1,250) shares, registered in the name of C. M. Treacy, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elise Stind Mathiesen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 4, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-8977; Filed, Oct. 3, 1947;  
8:45 a. m.]

\* Filed as part of the original document.